Washington, Wednesday, July 29, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 36—POSITION CLASSIFICATION
EFFECTIVE DATES OF POSITION CLASSIFICATION ACTIONS

Effective upon publication in the Federal Register, paragraphs (b) and (c) of § 36.1 are amended to read as set out below. The effect of the amendment of these paragraphs is that the effective date of position-classification actions is changed from the beginning of the second pay period following the receipt of the certificate or the date of decision or receipt of the decision, as the case may be, to the beginning of the fourth pay period.

§ 36.1 Effective dates of positionclassification actions. * * *

(b) All classification decisions made by means of a certificate issued by the Commission shall take effect not earlier than the date of receipt and not later than the beginning of the fourth pay period following the receipt of the cartificate in the department, unless a subsequent date is specifically stated in the certificate. They shall not be made effective retroactively, except as provided hereinafter in the case of certain appeals.

(c) Classification decisions resulting from an appeal will take effect not earlier than the date of decision on the appeal and not later than the beginning of the fourth pay period following the date of decision if made by a department, or the receipt of the decision in the department if made by the Commission, unless (1) a subsequent date is specifically stated in the decision on the appeal or in the certificate issued by the Commission, or (2) the original appeal was filed within thirty days after receipt of written notice of action lowering the grade of the position and the corrective action on the appeal raises the grade, in which case the effective date shall be effective retroactively to the date of the appealed action. If the grade is raised on appeal because of duties and responsibilities which were added to the position after

the date of the adverse action, the raise in grade cannot be made retroactively.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

[SEAL]

United States Civil Service Commission, Wil C. Hull, Executive Assistant.

[F. R. Doc. 53-6627; Filed, July 28, 1953; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Wheat Distress Loan Program Bulletin 1]

PART 673—SPECIAL PRICE SUPPORT PROGRAMS

SUBPART—1953 CROP WHEAT DISTRESS LOAN PROGRAM

A price support program has been announced for the 1953 crop of wheat and the applicable regulations (18 F. R. 1960 and 2733) have been issued by Commodity Credit Corporation. This bulletin contains the regulations applicable to the 1953-crop Wheat Distress Loan Program through which additional price support for wheat is made available by the Sccretary of Agriculture through the Commodity Credit Corporation and the Production and Marketing Administration Chereinafter referred to in this bulletin as CCC and PMA respectively).

73.1	Administration.
373.2	Availability of loans.
373.3	Disburcement of loans.
673.4	Approved lending agencies.
373.5	Eligible producer.
373.6	Eligible wheat,
573.7	Storage.
373.8	Determination of quantity.
373.9	Determination of quality.
73.10	Liens.
373.11	Service charges.
73.12	Set-offs.
73.13	Interest rate.
73,14	Transfer of producer's interest.
373.15	Safeguarding of the wheat.
373.16	Insurance.
373.17	Losses in quantity or quality.
	(Continued on p. 4417)

CONTENTS

Agriculture Department	2000
See also Commodity Credit Corpo-	
ration; Federal Crop Insurance	
Corporation; Forest Service;	
Production and Marketing Ad-	
ministration.	
Rules and regulations:	
Conservation, agricultural, 1953:	
National; miscellaneous	
amendments	4419
Puerto Rico; construction of	
permanent open farm	
drainage ditches	44 20
Virgin Islands; miscellaneous	4400
amendments	4420
Alien Property Office	
Notices:	
Filing claims in respect of cer-	
tain debtors; bar date	4439
Civil Service Commission	
Rules and regulations:	
Position classification actions,	
Rules and regulations: Position classification actions, effective dates of	4415
Commodity Credit Corporation	
Rules and regulations:	
Wheat distress loan program,	
1953 crop	4415
Defense Department	
•	
Notices:	
Assistant to Secretary of De-	
fense (Atomic Energy) es- tablishment of office	4420
Reorganization with respect to	4439
	4438
	1100
Federal Communications Com-	
mission	
Notices:	
Delegations of authority to Chiefs:	
Broadcast Bureau, with re- spect to official minutes;	
amendment	4439
Safety and Special Radio	
Services Bureau, to act on	
petitions or requests for	
waiver of rules in conflict	4400
with an application	4439 '
Hearings, etc Grove, William C	4440
Hunt, H. L., and Coastal Bend	
Television Co	4441

4415



Published daily, except Sundays, Mondays, and days following official Federal holidays by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Title 6 (\$1.50): Title 14: Part 400end (Revised Book) (\$3,75); Title 32: Parts 1-699 (\$0.75); Title 38 (\$1.50); Title 43 (\$1.50); Title 46: Part 146-end (\$2.00)

Previously announced: Title 3 (\$1.75); Titles 4-5 (\$0.55); Title 7. Parts 1-209 (\$1.75), Parts 210-899 (\$2.25), Part 900-end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22-23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80-169 (\$0.40), Parts 170-182 (\$0.65), Parts 183-299 (\$1.75); Title 26: Part 300-end, Title 27 (\$0.60); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Title 32: Part 700-end (\$0.75); Title 33 (\$0.70); Titles 35-37 (\$0.55); Title 39 (\$1.00); Titles 40-42 (\$0.45); Titles 44-45 (\$0.60); Title 46: Parts 1-145 (Revised Book) (\$5.00); Titles 47-48 (\$2.00); Title 49: Parts 1-70 (\$0.50), Parts 71-90 (\$0.45), Parts 91-164 (\$0.40), Part 165-end (\$0.55); Title 50 (\$0.45)

Order from

Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Page Dundustian and Markating Ad. Page Federal Communications Commission-Continued Notices—Continued Hearings, etc.—Continued Jefferson County Radio & Television Co. (KJCF) and Cecil W Roberts Neathery, Robert (KALM) ___ Oneida Broadcasting Co. (WOBT)__ Shepherd, Jerrell A., and Town & Farm Co., Inc____ Venango Broadcasters and Olivia T. Rennekamp_____ Proposed rule making: broadcast station. Licenses, time for filing applications for renewal of; license periods of noncommercial educational FM broadcast stations_____ Public safety radio services___ Television broadcast stations; license period_____ Federal Crop Insurance Corporation Rules and regulations: Multiple crop insurance; regulations for 1950 and succeeding crop years; miscellaneous amendments_____ Federal Power Commission Notices: El Paso Natural Gas Co., notice of application_____ Federal Reserve System Rules and regulations: Discount rates; advances to persons other than member banks ____ Federal Trade Commission Rules and regulations: Simmonds Upholstery Co., Inc., et al., cease and desist order__ 44 Fish and Wildlife Service Rules and regulations: Hunting and possession of wildlife; migratory birds and certain game mammals: miscellaneous amendments_____ 4 Forest Service Rules and regulations: Grazing; applications and per-Interior Department See Fish and Wildlife Service. Interstate Commerce Commission Notices: Missouri-Kansas-Texas Co., rerouting or diversion of traffic.

Justice Department

ministration

See Alien Property Office.

Proposed rule making:

Correction__

Detroit, Mich____

Milk handling:

Production and Marketing Ad-

Grapes, Tokay, grown in San

Dayton-Springfield, Ohio____

Tulsa and Muskogee, Okla___

Joaquin and Sacramento Counties, Calif_____

CONTENTS—Continued

	ministration—Continued	
	Rules and regulations: Peas, fresh, and cauliflower	
	grown in Alamosa, Rio	
	Grande, Conejos, Costilla, and	
4440	Saguache Counties in Colo-	
4441	rado; limitation of shipment_	4419
	Wheat; State acreage allot-	
4440	ments for 1954 crop	4418
4440	Securities and Exchange Com-	
4440°	mission	
4440	Notices:	
1110	Hearings, etc	
	American & Foreign Power	
	Co., Inc	4442
	West Texas Utilities Co. and	
	Central and South West	4442
4436	Corp	4444
4438	Veterans' Administration	
4437	Notices:	
4491	Central Office; statement of or-	4440
	ganization	4442
	CODIFICATION GUIDE	
	CODIFICATION GOIDE	
	A numerical list of the parts of the	Code
	of Federal Regulations affected by ments published in this issue. Pr	doou-
4418	ments published in this issue. Prorules, as opposed to final actions, are i	oposed
4419	fled as such.	uomvi-
	Title 5	Pago
4441	Chapter I:	
4441	Part 36	4415
	Title 6	
	Chapter IV	
	Part 673	4415
4422		
*****	Title 7	
	Chapter IV. Part 420	4418
	Chapter VII.	4410
4422	Part 728	4418
	Chapter IX:	
	Part 906 (proposed)	4424
	Part 910	4419
	Part 924 (proposed)	4433
	Part 929 (proposed)	4424
4421	Part 951 (proposed) (2 docu-	4404
	ments) Part 971 (proposed)	4434 4434
	Chapter XI.	449.4
	Part 1101	4419
4423	Part 1102	4420
	Part 1103	4420
	Title 12	-
	Chapter II:	
	Part 224	4422
	Title 16	7744
4441	Chapter 1. Part 3	4499
		4444
	Title 36	
	Chapter II:	4400
	Part 231	4423
	Title 47	
	Chapter I.	
	Part 1 (proposed) Part 3 (proposed) (2 docu-	4436
4434	rart 3 (proposed) (2 docu-	4400
4434	ments) 4436, Part 10 (proposed)	
		4438
4434	Title 50	
4433 4424	Chapter I:	4464
4444	Part 6	4421

Sec.

673.18 Personal liability.

673.19 Loan rates. 673.20 Maturity.

673.21 Settlement.

673.22 PMA commodity offices.

AUTHORITY: §§ 673.1 to 673.22 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c.

- § 673.1 Administration. The program to which this subpart applies will be administered by PMA under the general direction and supervision of the Executive Vice President, CCC, and, in the field, will be carried out by PMA State and PMA county committees (hereinafter called State and County committees) and PMA commodity offices. Producers interested in participating in the program should contact their county committee through which the loan documents will be distributed. All documents will be completed and approved by the county committee which will retain copies of all such documents. The State committee may authorize the county committees to designate certain employees of the county committee to approve documents on behalf of the county committee. The names of the employees delegated to approve documents in behalf of the county committee shall be submitted to the State committee for approval. State and county committees and PMA commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.
- § 673.2 Availability of loans—(a) Approved forms. Loans will be evidenced by promissory notes and loan agreements and secured by chattel mortgages.
- (b) Area—(1) Wheat in temporary facilities. In the States of Illinois, Indiana, Michigan, Missouri, and Ohio distress loans will be made only on wheat stored in temporary storage facilities.
- (2) Wheat in temporary facilities or piled on the ground. In the States of Colorado, Kansas, Nebraska, Oklahoma, and Texas, distress loans will be made on wheat stored in temporary storage facilities in all localities within the State and on wheat piled on the ground in the open in localities within designated areas where the State PMA committee determines conditions are such that the wheat can be so stored for short periods.
- (c) Where to apply. Application for a distress loan should be made at the office of the PMA county committee which keeps the farm program records.
- (d) When to apply. Loans will be available from the date the program is announced for the State. Applicable loan documents must be signed by the producer and delivered to the county committee within 30 days from the date the program is announced for the State, or within 30 days from the time of harvest, whichever is later.
- § 673.3 Disbursement of loans. Disbursement of loans will be made to producers by PMA county offices by means of sight drafts drawn on CCC, or by

approved lending agencies under agreement with CCC. No disbursements shall be made later than 15 days after the final date of availability of loans authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the wheat is in existence and in good condition. If the wheat was not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

- § 673.4 Approved lending agencies. An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a lending agency agreement.
- § 673.5 Eligible producer An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing an eligible commodity in 1953, as landowner, landlord, tenant, or sharecropper.
- § 673.6 Eligible wheat. The conditions of eligibility for wheat shall be the same as under the 1953-crop wheat price support program, except that there shall be no requirement for storing wheat for a specified period prior to inspection.
- § 673.7 Storage. (a) Temporary storage facilities shall be facilities which, in the opinion of the county committee, are suitable for the temporary storage of wheat.
- (b) Wheat piled on the ground shall be protected from animals and shall be piled on ground which will afford maximum protection from water damage.
- § 673.8 Determination of quantity. The quantity of wheat will be estimated, but measurements, threshing records, and other guides shall be used to the extent that they are practicable or available.
- § 673.9 Determination of quality. Grade and other quality factors will be determined in accordance with the Official Grain Standards of the United States for Wheat following the same practices as under the 1953-crop wheat price support program.
- § 673.10 Liens. If there are any liens or encumbrances on the wheat, proper waivers must be obtained.
- § 673.11 Service charges. The producer shall pay a service charge of 1 cent per bushel on the number of bushels of wheat placed under a distress loan, or \$3.00 whichever is greater. State committees are authorized to require prepayment of \$3.00 of the service charge. If, on or before the maturity date of the note, the producer obtains a regular price support loan under the 1953 wheat price support program, he shall pay an additional service charge of 1 cent per bushel if placed under farm-

- storage loan, and ½ cent per bushel if placed under warehouse-storage loan, on any number of bushels by which the quantity of wheat placed under the regular loan exceeds the number of bushels placed under the distress loan. No refunds of service charges will be made.
- § 673.12 Set-offs. Set-offs shall be made against the proceeds of the distress loan in accordance with the provisions of the 1953-crop wheat price support program.
- § 673.13 Interest rate. Loans shall bear interest at the rate of 4 percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of the loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.
- § 673.14 Transfer of producer's interest. The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a distress loan. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the wheat must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the wheat from the premises when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers, at the office of the county committee.
- § 673.15 Safeguarding of the wheat. The producer obtaining a distress loan shall take whatever action is practicable to keep the wheat in good condition, and in the event of damage to the commodity, he shall notify the county committee in writing of such damage.
- § 673.16 Insurance. CCC will not require the producer to insure the commodity placed under loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest.
- § 673.17 Losses in quantity or quality. CCC will not assume losses in the quantity or quality of the wheat occurring for any reason.
- § 673.18 Personal liability. The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, may render the producer subject to criminal prosecution under the Federal Law. He will also be liable for any resulting expense incurred by any holder of the note (in addition to his liability for the amount of the loan plus interest).
- § 673.19 Loan rates. Loans will be made under this program at 80 percent of the regular county rate established for the wheat under the 1953-crop wheat price support program.
- § 673.20 Maturity. Loans will mature 90 days from the date of the note, or earlier on demand.

§ 673.21 Settlement—(a) Producer eligible for regular loan. If, on or before maturity, the producer places the wheat in eligible farm-storage or in a warehouse approved under the Uniform Grain Storage Agreement, he may obtain a regular price support loan at the full support rate. The regular loan will be made at the full support rate on the basis of the quantity and quality of eligible wheat which has been placed in an eligible storage structure. When the regular loan is made, the principal of the distress wheat loan, plus interest at the rate of 4 percent per annum from the date of disbursement of the distress loan to the date of disbursement of the regular loan, shall be repaid to CCC either in cash or out of the proceeds of the regular loan. If the producer does not obtain a regular loan he shall, upon maturity, repay his distress loan in cash or deliver the wheat to CCC as set forth in paragraphs (c) and (d) respectively of this section.

(b) Producer not eligible for a regular loan. If, on or before maturity, the producer does not place the wheat in eligible farm storage or approved warehouse storage, or if the wheat is not eligible for a regular loan, the producer shall, upon maturity repay his distress loan in cash or deliver the wheat to CCC as set forth in paragraphs (c) and (d) respectively of this section.

(c) Repayment of distress loan. Repayments made in satisfaction of distress loans shall be made in cash and shall include the amount of the principal due on the loan plus interest at the rate of 4 percent per annum from the date of disbursement to the date of repayment (except that loans in default will bear interest at the rate of 6 percent from the date of default)

(d) Delivery to CCC. Delivery of the wheat to CCC shall be made in accordance with instructions issued by the county committee. When the wheat is delivered to CCC under the distress loan, credit shall be given to the producer for the quantity and quality of wheat actually delivered, at the market price at the time and place of delivery as determined by CCC. If the amount of such credit exceeds the amount due on the principal of the loan plus interest, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the PMA county office. If the amount of such credit is less than the amount due on the principal of the loan plus interest, the amount of the deficiency plus interest thereon shall be paid to CCC and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

§ 673.22 PMA Commodity Offices. The PMA commodity offices and the areas served by them are shown below.

Address and Area

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia. Dallas 2, Tex., 1114 Commerce Street: New

Mexico, Oklahoma, Texas.

Kansas City 6 Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.
Minneapolis 8, Minn., 1006 West Lake

Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, La., Wirth Building, 120 Marais Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 24th day of July 1953.

[SEAL] HOWARD H. GORDON, Executive Vice President, Commodity Credit Corporation.

Approved:

John H. Davis, President,

Commodity Credit Corporation.

[F. R. Doc. 53-6649; Filed, July 28, 1953; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 12]

PART 420-MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above-identified regulations, as amended (14 F R. 5303, 6787, 7827 15 F R. 2485, 2622, 3077, 4161, 9033, 9271, 16 F R. 579, 4300, 4829, 12111, 12765; 17 F R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379 18 F R. 151, 440, 3634) are hereby amended as follows:

1. Section 420.24, as amended, is amended to establish March 31, 1953, as the closing date for filing applications for insurance in Coffee and Warren counties, Tennessee, for the 1953 crop year.

2. Section 420.24, as amended, is further amended to establish closing dates for filing applications for insurance for the 1954 crop year as follows:

State and county	Closing dates
Arkansas	Mar. 31, 1954
Colorado:	
Conejos	Jan. 31, 1954
Las Animas	Do.
Morgan	Mar. 31, 1954
Otero	
Weld	
Delaware	Do.
Georgia	
Illinois	
Indiana	
Iowa	
Kansas	
Louisiana	
Michigan	
Minnesota	Do.
	_
Audrain	
Knox	
Lewis	Do.
Nebraska	
New Jersey	
New York	Apr. 15, 1954

State and county	
North Dakota	Mar. 31, 1954
Ohio	Do.
Oregon:	
Deschutes	Dec. 15, 1953
Linn	
Malheur	
Marion	
Polk	Do.
Pennsylvania:	20,
Lebanon	Mar. 31, 1954
Somerset	
South Dakota	Mar. 31, 1954
Tennessee:	
Franklin	
All others	Mar. 31, 1954
Texas:	
Johnson	Do،
Runnels	Aug. 31, 1953
Tarrant	Sept. 30, 1953
Taylor	Aug. 31, 1953
Utah	
West Virginia	Do.
Wisconsin:	
Fond du Lac	Mor 21 1054
Waupaca	
Wyoming	Min. 01, 1904
O Clastian O (d) at the sect	

- 3. Section 6 (d) of the policy shown in § 420.33 is amended, effective beginning with the 1954 crop year for counties having a cancellation date after July 31 and effective for the 1955 crop year for all other counties, to read as follows:
- (d) If the Corporation determines that the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met by the closing date for filing applications for any crop year insurance shall not be in effect for that crop year and the contract shall terminate. (Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. and Sup., 1507-1609)

Adopted by the Board of Directors on July 16, 1953.

[SEAL]

C. S. LAIDLAW. Secretary

Federal Crop Insurance Corporation.

Approved: July 24, 1953.

E. T. BENSON.

Secretary of Agriculture.

[F R. Doc. 53-6650; Filed, July 28, 1953; 8: 53 a. m.1

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728-WHEAT

SUBPART-1954-55 MARKETING YEAR

STATE ACREAGE ALLOTMENTS FOR 1954 CROP OF WHEAT

§ 728.405 Basis and purpose. (a) The regulations contained in this section and § 728.406 are issued to apportion among the several States the national acreage allotment for the 1954 crop of wheat proclaimed on July 15, 1953 (18 F R. 4166) in accordance with the provisions of section 334 (a) of the Agricultural Adjustment Act of 1938, as amended, which provides for the apportionment of the 1954 national acreage allotment for wheat (less a reserve of not to exceed one per centum thereof for apportionment to counties in addition to county allotments made under section 334 (b) of the act on the basis of the relative needs of counties for additional allotment because of new areas coming into the production of wheat during the preceding five years) among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1943 to 1952 (plus, in applicable years, the acreage diverted from wheat under agricultural adjustment and conservation programs) with adjustments for abnormal weather conditions and for trends in acreage during such period.

(b) In making the findings and determinations contained in § 728.406 the wheat acreage estimates of the Bureau of Agricultural Economics of this Department were used, adjusted where necessary to reflect the acreages of wheat used for wheat mixtures and for green manure, cover crop, and hay purposes, as indicated by Production and Marketing Administration statistics. For States for which wheat acreage estimates are not compiled by the Bureau of Agricultural Economics, statistics of the Production and Marketing Administration were used. It is hereby found and determined that the statistics of the Bureau of Agricultural Economics, as so adjusted and supplemented by Production and Marketing Administration data, constitute the latest available and most reliable statistics of the Federal Government.

(c) Prior to the apportionment of the national acreage allotment for the 1954 crop of wheat among the several States, public notice of the proposed action was given (18 F. R. 2621) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) The views and recommendations received from wheat growers and other interested persons have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(d) Since it has been announced (18 F. R. 4221) that a referendum of wheat producers who will be subject to the national marketing quota proclaimed on the 1954 crop of wheat will be held on August 14, 1953, to determine whether such producers favor or oppose such marketing quota, since the Agricultural Adjustment Act of 1938, as amended, requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators in sufficient time to be received prior to the date of the referendum, and since farm acreage allotments cannot be established until the national acreage allotment has been apportioned among States and counties, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act with respect to § 728.406 is impracticable and contrary to the public interest. Therefore, the State acreage allotments herein shall become effective upon filing with the Director, Division of the Federal Register.

§ 728.406 Apportionment of the national acreage allotment for the 1954 crop of wheat among the several States. The national acreage allotment proclaimed in § 728.404, less a reserve of nine-tenths of one per centum thereof

for additional allotments to counties, is hereby apportioned among the several States as follows:

State:	Acres
Alabama	9, 753
Arizona	22, 107
Arkansas	23, 166
California	561, 442
Colorado	2,850,836
Connecticut	863
Delaware	50, 514
Florida	228
Georgia	103, 075
Idaho	1, 216, 903
Illinois	1,465,953
Indiana	1, 319, 718
Iowa	209, 753
Kansas	11,874,832
Kentucky	221, 393
Louisiana	827
Maine	1,713
Maryland	238, 763
Massachusetts	835
Michigan	1,041,765
Minnesota	930, 631
Mississippi	9, 178
Missouri	1, 287, 559
Montana	4, 603, 194
Nebraska	3, 659, 818
Nevada	15, 591
New Hampshire	10,031
New Jersey	63, 710
Now Morios	499, 084
New Mexico New York	335, 228
North Carolina	319, 257
North Dakota	8, 254, 412
Ohio	1, 754, 463
Oklahoma	5, 212, 994
	805, 762
Oregon	721, 168
Rhode Island	663
Courts Counting	147, 015
South CarolinaSouth Dakota	3, 154, 176
	206,047
Tennessee	4, 800, 963
Texas	358, 471
Vermont	308
	317, 372
Virginia	2, 250, 420
Washington West Virginia	
Wisconsin	58, 462
	73, 077
Wyoming	324, 368
Reserve	553, 600
Motol .	62 000 000

Total _____ 62,000,000 (Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 334, 52 Stat. 38, 53, Pub. Law 117, 83d Cong.; 7 U. S. C. 1301, 1334)

Issued at Washington, D. C., this 24th day of July 1953.

[SEAL]

E. T. Benson, Secretary of Agriculture.

[F. R. Doc. 53-6654; Filed, July 28, 1953; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Amdt. 1]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

LIMITATION OF SHIPMENT

Findings. 1. Pursuant to Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910) regulating the handling of fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Coun-

ties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Administrative Committee established pursuant to said marketing agreement and amended order and upon other available information it is hereby found that amendment to the limitation of shipments as hereafter provided will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the Federal Register (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cauliflower, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order as amended. The provisions of § 910.319 (b) (1) (18 F. R. 4213) are hereby amended to read as follows:

(1) During the period July 30, 1953 to October 15, 1953, both dates inclusive, no handler shall handle cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in the State of Colorado that does not meet the requirements of U. S. No. 1 or better grade, 4 inches or larger diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 603c)

Done at Washington, D. C., this 24th day of July 1953, to be effective July 30, 1953.

[SEAL]

S. R. Slith, Director

Fruit and Vegetable Branch.

[F. R. Doc. 53-6653; Filed, July 23, 1953; 8:53 a. m.]

Chapter XI—Agricultural Conservation Program (Agricultural Adjustment), Department of Agriculture

[1061 (53)-1, Supp. 3]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART-1953

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 National Agricultural Conservation Program, issued July 28, 1952 (17 F R. 6995) as asmended July 28, 1952 (17 F R. 7110) and October 30, 1952 (17 F. R. 9921) is further amended as follows:

- 1. Section 1101.400 is amended by inserting the following as the second sentence:
- § 1101.400 Introduction. * * * Approved practices will be deemed to have been carried out during the program year if started after the beginning of the program year and the county committee determines that they are substantially completed by the end of the program year. However, no practice will be eligible for payment until it has been completed in accordance with all applicable specifications and program provisions. * * *
- 2. Section 1101.493 is amended by designating the present wording as paragraph "(a)" and by adding at the end thereof the following new paragraph:
- § 1101.493 Time and manner of filing application and information required.
- (b) The final date for filing an application for payment is February 15, 1954, in New Hampshire; February 28, 1954, in New York; March 31, 1954, in New Jersey April 1, 1954, in Maine; April 30, 1954, in Rhode Island; May 1, 1954, in Nevada, May 15, 1954, in Florida, June 30, 1954, in Arizona, Arkansas, Colorado, Delaware, Georgia, Louisiana, Montana, New Mexico, Pennsylvania, South Carolina, Vermont, Virginia, and Washington; July 1, 1954, in Maryland; August 31, 1954, in Minnesota; December 31, 1954, in Alabama, California, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming. In those States for which the final date for filing an application for payment is earlier than December 31, 1954, the State committee may extend the final date to a date not later than December 31, 1954, when failure to file the application was due to conditions over which the farmer had no control.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 24th day of July 1953.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6646; Filed, July 28, 1953; 8:52 a. m.]

[1061 (P. R. 53)-1, Supp. 2]
PART 1102—AGRICULTURAL CONSERVATION;
PUERTO RICO

SUBPART-1953

CONSTRUCTING PERMANENT OPEN FARM DRAINAGE DITCHES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 Agricultural Conservation Program; Puerto Rico, issued August 25, 1952 (17 F R. 7829) as amended November 21, 1952 (17 F R. 10757) is further amended as follows:

In § 1102.327 (Practice 17) the last sentence preceding "Maximum assistance" is amended by changing the period at the end to a comma and adding the following: "except where such drainage is carried out as a community undertaking under a pooling agreement approved by the PMA State Office."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 24th day of July 1953.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6647; Filed, July 28, 1953; 8:52 a. m.]

[1061 (V.I.53)-1, Supp. 1]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART-1953

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 Agricultural Conservation Program; Virgin Islands, issued August 25, 1952 (17 F R. 7836) is amended as follows:

- 1. In § 1103.213 (Practice 3) the last sentence preceding "Maximum assistance" is deleted.
- 2. The following new sections are added under the center heading "Conservation Practices and Rates of Assistance":

§ 1103.216 Practice 6: Eradicating shrubs or trees on land to be used for range or pasture. Payment will be made for eradicating any of the following shrubs or trees on land to be used for range or pasture: Acacia, soap brush. Kanappy (Kennep) sage, guava, log-wood, marigold, tantan, wild cedar, Ginger Thomas, all varieties of cactus, or Thibet (Tebitt) All shrubs or trees on the area to be cleared must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees, and roots must be removed from the land or may be burned thereon. The clearing must contribute to the conservation or better use of other land in the farm. Temporary use of the land for other crops may be permitted where the PMA State Office determines this is essential to establishing the eligible legumes and grasses. Grasses and legumes must be established as soon as practicable. No assistance will be given for clearing a stand of merchantable timber or pulpwood. Prior approval of the area and acreage to be cleared must be obtained from the PMA State Office. No payment will be made for this practice on any area on which payment for this practice has been made under a previous program. Assistance for carrying out this practice is limited to not more than 20 acres on any farm as defined in § 1103.255 (h) Payment will not be made on any acreage on which payment is made by the Virgin Islands Corporation. This practice is applicable only to St. Thomas and St. John Islands.

Maximum assistance. (1) \$4 per acre on land with light growth where the shrubs or trees cover approximately 30 percent of the area.

- (2) \$7 per acre on land with medium growth where the shrubs or trees cover approximately 60 percent of the area.
- (3) \$10 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 1103.217 Practice 7 Constructing permanent fences to obtain better distribution of grazing and prevent overgrazing, or to protect farm woodlots. Payment will be made for new fences constructed entirely of new materials. Hardwood posts shall be used. Posts must be spaced not more than 6 feet apart, with corner posts adequately braced. Four strands of No. 12½ standard gage or heavier barbed wire must be used and tightly stretched. Payment will not be made for boundary fences, except where incidental to protecting farm woodlots.

Maximum assistance. \$2.20 per 100 linear feet.

§ 1103.218 Practice 8: Constructing dug wells lined with stone to provide water for livestock. The well must have a minimum diameter of not less than 8 feet, including the stone lining, which must have a thickness of not less than 12 inches. Wells should be constructed in an area of the farm where the providing of water will contribute to better grazing or pasture management. Adequate pumping equipment and drinking troughs for animals must be installed. No payment will be made unless water is obtained. Approval of this practice will not be given if the PMA State Office determines that the area to be served by the development is overgrazed.

Maximum assistance. \$3.25 per cubic yard of well dug.

§ 1103.219 Practice 9: Installing pipelines for water to be used for livestock. Payment will be made only when the pipeline carries water to areas where no other water supply for livestock is available and proper drinking troughs for the livestock have been provided. The practice will not be approved if the PMA State Office determines that the area to be served by the development is overgrazed. No payment will be made for this practice if payment is made by the Virgin Islands Corporation.

Maximum assistance. (1) \$0.12 per linear foot when pipes of 1 inch diameter are used.

(2) \$0.18 per linear foot when pipes of 1½ inches diameter are used.

(3) \$0.25 per linear foot when pipes of 2 inches or more diameter are used.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 24th day of July 1953.

[SEAL]

J. EARL COKE, Secretary of Agriculture.

[F. R. Doc. 53-6648; Filed, July 28, 1953; 8:52 a. m.]

TITLE 50-WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B-Hunting and Possession of Wildlife

PART 6-MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

MISCELLANEOUS AMENDMENTS

Basis and purposes. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755, 16 U.S.C. 704) authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds to determine when, to what extent, and by what means, such birds, or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

On May 19, 1953, the public was invited to participate in the preparation of these regulations by submitting their views, data, or arguments in writing to the Director, Fish and Wildlife Service, Washington 25, D. C., on or before July 1, Careful considera-1953 (18 F. R. 3024) tion has been given to the views, data and arguments received and the results of studies and investigations by personnel of the Fish and Wildlife Service and State agencies. Accordingly, it has been determined that amendments to the regulations should be issued at this time which include the establishment of seasons, bag and possession limits on those migratory birds for which seasons are to open on or about September 1, and the means by which some of these and other migratory game birds may be taken. In order to give sufficient time. to evaluate the results of breeding populations, the regulations will be supplemented not later than September 1 to prescribe migratory waterfowl, coot and woodcock seasons and establish bag and possession limits for such birds, and to also prescribe concurrent opening dates for hunting waterfowl, rails, and gallinules in some States.

After due consideration of all relevant material submitted to the said Service pursuant to notice, and under authority of said statutory provision, the regulations under the Migratory Bird Treaty Act regulations are amended as follows:

- 1. Section 6.3 (b) is amended to read as follows:
- (b) (1) Waterfowl, coof, gallinules, doves, and bandtailed pigeons may not be taken under any circumstances by the aid of salt, or shelled or shucked or unshucked corn, wheat, or other grains, or other feed or means of feeding similarly used to lure, attract, or entice such birds

to, on, or over the area where hunters

are attempting to take them.
(2) As used in this section the terms "salt, or shelled or shucked or unshucked corn, wheat, or other grains", or "other feed or means of feeding similarly used" shall not be construed as including salt blocks, properly shocked corn, standing crops (including aquatics) grains found scattered solely as a result of normal agricultural practices,

flooded standing crops or flooded harvested crop lands. Nothing in this section shall be construed to apply to propagating, scientific, or other operations in accordance with the terms of permits issued pursuant to this part.

2. The schedules designated as subparagraphs (1), (2), (3) and (4) in § 6.4 (e) are amended to read as follows:

(1) Atlantic Flyway States.

	Rails and gallinules 1 .		
	Eem	Others	Mourning or turtle dove
Daily bag limits	25 25	2 15 2 15	8 8
Scasons in 3— Connecticut 4 Delaware 5 Florida 3— Georgia 4 Maine 4 Maryland 4 Massachusetts 4 New Hampshire 4 New Jersey New York 4 North Carolina 5 Pennsylvania 5 Rhode Island 4 South Carolina 4 Vermont. Virginia 4 West Virginia Puerto Rico	Scpt. 1-Oct Scpt. 12-N Scpt. 15-No Scpt. 1-Oct Oct. 20-De Scpt. 1-Oct Scpt. 1-Oct Scpt. 1-Oct Scpt. 1-Oct Scpt. 1-Oct Scpt. 1-Oct Scpt. 1-Oct Oct. 1-Oct	15	15-Dec. 29. Sept. 15-Sept. 29 and Dec. 22-Jan. 8. Sept. 15-Sept. 29 and Nov. 15-Nov. 29. Sept. 15-Sept. 29 and Dec. 27-Jan. 10. Sept. 15-Oct. 14. Sept. 15-Sept. 29 and Dec. 20-Jan. 9. Sept. 16-Sept. 20 and Oct. 17-Oct. 31.

Rails and gallinules: When permitted to be taken during the waterfowl season they may not

¹Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.

²Not more than 15 in the aggregate of rails (other than cora) and gallinules.

³No open season in District of Columbia but migratory game birds may be possessed therein in accordance with § 0.0 (c).

⁴Scoter, elder and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from Sept. 28 to Dec. 31, in Connecticut and New York from Oct. 1 to Dec. 31 and in Rhode Island from Sept. 28 to Jan. 5. In areas other than these beyond outer harbor lines such birds may be taken during the open seasons for other ducks. In these States only, the daily bag limit is 7 scoter, elder or old-squaw ducks singly or in the aggregate, and not exceeding 14 in possession singly or in the aggregate of all kinds.

⁵Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.

⁶Florida. Rails (including sora) and gallinules, daily bag and possession limit 15, singly or in aggregate of all kinds.

⁷Massachusetts: Starting hour for rails and gallinules on first day of season, 12 o'clock noon.

Note: The season for rails and callinules in Maine will be prescribed in August.

Note: The season for rails and gallinules in Maine will be prescribed in August.

(2) Mississippi Flyway States.

ø	Rails and gallianles 1		36
	Eom.	Others	Mourning or turtle dove
Daily bag limits	25 25	² 15 ² 15	8 8
Seasons in— Alabama ³	•••••		Oct. 17-Oct. 31 and Dec.
Arknnsas ³ Illinois		t. 20	
Kentucky 3 Louisiana 3	Sept. 1-0c Oct. 1-Nov	t. 20 r. 29	Sept. 1-Sept. 20. Dec. 12-Jan. 10.
Michigan Minnesota Mississippi	Eept. 19-N	ov. 17 . 5	Sept. 15-Sept. 29 and Dec. 27-Jan. 10.
Missouri Ohio Tennessee 1		. ::: :::::::::::::::::::::::::::::::::	Sept. 1-Sept. 20. Sept. 1-Sept. 15 and Oct.
Wisconsin 4			15-Oct. 29.

² Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.

² Not more than 15 in the aggregate of rails (other than sora) and gallinules.

³ Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.

⁴ Wisconsin. Starting hours for rails and gallinules on the first day of season, 1 p. m.

Note: The season for hunting rails and gallinules in Alabama, Michigan and Wisconsin $\forall ill$ be prescribed in August.

(3) Central Flyway States.

	Rails and gallinules 1		
	Sora	Others	Mourning or turtle dove
Daily bag limits	25 25	2 15 2 15	10 10
Now Mexico 3 North Dakota Oklahoma South Dakota	Sept. 1-Oc Sept. 1-Oc Sept. 1-Oc Sept. 1-Oc	t. 30 t. 30	Sept. 1-Oct. 5. Sept. 1-Sept. 30. Sept. 1-Oct. 12. Sept. 1-Sept. 30. See footnotes 4. 5.

¹Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.

²Not more than 15 in the aggregate of rails (other than sora) and gallinules.

²Now Mexico Starting hour for mourning doves on first day of season, 12 o'clock noon.

⁴Texas Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1 to Oct. 10 from 12 o'clock noon until sunset; in the rest of State (but not including Cameron, Hidaigo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 1 to Nov. 9, from 12 o'clock noon until sunset; in these latter counties Sept. 11, 13, and 15 from 4 p. m. until sunset and from Oct. 1 to Nov. 6 from 12 o'clock noon until sunset.

³Texas White-winged doves in Cameron, Hidaigo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, Willacy, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth and El Paso Counties, Sept. 11, 13 and 15 from 4 p. m. until sunset; daily bag and possession limit for white-winged or mourning doves is not more than 10 singly or in the aggregate of both kinds 'no open season in rest of State.

Note The season for hunting rails and gallinules in Kansas and New Mexico will be prescribed.

NOTE The season for hunting rails and gallinules in Kansas and New Mexico will be prescribed in August.

(4) Pacific Flyway States.

	Rails and gallinules 1		Mourning or turtle		
	Sora	Others	dove	Band-tailed pigeons	
Daily bag limits	25 25	2 15 2 15	³ 10 ² 10	6 6	
Seasons in— Arizona *			Sept. 1-Oct. 12 Sept. 1-Sept. 30 See footnote 6 Sept. 1-Sept. 30 Sept. 1-Sept. 15 Sept. 1-Sept. 15 Sept. 1-Sept. 15	See footnote 5. Sept. 1-Sept. 30. Sept. 1-Sept. 30.	

1 Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.

Not more than 15 in the aggregate of rails (other than sora) and gallinules.

White-winged dove. Arizona, Sept. 1 to Oct. 12. California, in Imperial and Riverside Counties only, Sept. 1 to Sept. 30. The daily bag and possession limit for white-winged or mourning doves is not more than 10 singly or in the aggregate of both kinds.

California Starting hour for doves on first day of season, 12 o'clock noon.

California Band-tailed pigeons, in the counties of Del Norte, Sisklyou, Modoc, Lassen, Humboldt. Trinity, and Tehama, Oct. 16. to Oct. 31, in rest of State Dec. 1 to Dec. 31

Idaho Mourning doves, no open season in Boundary, Bonner, Benewah, Shoshone, Kootenai, Bear Lake, Caribou, and Teton Counties; in rest of State, Sept. 1 to Sept. 15.

Alaska. Ducks, geese, brant, and coot. In the First Judicial Division and the Kodiak-Afognak Island group Sept. 15 to Nov. 23. In the Second, Third (except Kodiak-Afognak Island group) and Fourth Judicial Divisions Sept. 1 to Nov. 14; provided that scoter, eider and merganser ducks may be taken in the Third Judicial Division west of 152° west longitude and in the Second and Fourth Judicial Divisions from Sept. 1 to Dec. 15. The daily bag limit for scores and eiders is 10 singly or in the aggregate and the possession limit is not more than 20 singly or in the aggregate of all kinds. The daily bag limit for American and rechreasted mergansers is 25 singly or in the aggregate of both kinds with no possession limit after the first day of the season. Limits for other ducks 7 a day, 14 in possession. Other limits: coot 15 a day, 15 in possession brant 3 a day, 6 in possession, and geese 3 a day, 6 in possession of one kind or in the aggregate of all kinds.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, June 5, 1951, 16 F. R. 5385; CFR, 1951 Supp.)

These amendments shall become effective on September 1, 1953.

Dated: July 23, 1953.

DOUGLAS McKAY, Secretary of the Interior

[F. R. Doc. 53-6623; Filed, July 28, 1953; 8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A-Board of Governors of the Federal Reservo System

Part 224—Discount Rates

ADVANCES TO PERSONS OTHER THAN MEMBER BANKS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, § 224.4, relating to advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act, is amended so as to change the percentage rate for the Federal Reserve Bank of Atlanta from 3 to 31/2, effective July 20, 1953.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. Q. 248 (i). Interprets or applies sec. 14 (d), 38 Stat. 264, as amended; 12 U. S. Q. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

[SEAL] S. R. CARPENTER, Secretary.

[F R. Doc. 53-6622; Filed, July 28, 1953; 8:46 a. m.]

TITLE 16-COMMERCIAL **PRACTICES**

Chapter I—Federal Trade Commission

[Docket 6080]

PART 3—DIGEST OF CEASE AND DESIST **ORDERS**

SIMMONDS UPHOLSTERY CO., INC., ET AL.

Subpart-Advertising falsely or misleadingly: § 3.15 Business status, advantages, or connections—History; § 3.70 Fictitious or misleading guarantees; § 3.200 Sample, offer or order conformance; § 3.240 Special or limited offers. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal. § 3.1980 Guarantee, in general; § 3.2000 Limited offers or supply; § 3.2060 Sample, offer or order conformance; § 3.2070 Special offers, savings and discounts. In connection with the offering for sale, sale, or delivery of reupholstering materials, whether sold separately or as a part of a charge for reupholstering furniture, in commerce, representing directly or by implication (1) that reupholstering will be done in a larger or different plant than is the fact; (2) that respondents' business was established in o 1899 or in any other year contrary to the fact; (3) that any price regularly or customarily offered is a special price or that any offer is for a limited time when such offer is a continuous one; (4) that furniture will be reupholstered at a price at which respondents' salesmen have been instructed not to make sales, or at prices which are not listed in good faith; (5) that the frames of furniture delivered for reupholstering will be remodeled or rebuilt without further indicating that the customers' frames may be replaced with new frames: (6) that the quality or value of the materials used in reupholstering is superior to what it is in fact; and (7) that the reupholstering is guaranteed in any manner unless the guarantee is in fact performed, and unless, where the guarantee is limited to workmanship, it is clearly, conspicuously and explicitly stated in immediate conjunction with the representation of guarantee that the guarantee is a guarantee of workmanship; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Simmonds Upholstery Co., Inc., et al., New York, N. Y., Docket 6080, June 25, 1953.]

In the Matter of Simmonds Upholstery Co., Inc., a Corporation, Simmonds Sales System, Inc., a Corporation, and Abe Baker Edward Williams and Sidney Rubm, Individually and as Officerof Said Corporations; and Abe Baker Trading as Simmonds Upholstery Co.

This proceeding was instituted by complaint which charged respondents with unfair and deceptive acts and practices in commerce and unfair methods of competition therein within the intent and meaning of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice" dated June 30, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on June 25, 1953 and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts ¹ and conclusion, ¹ reads as follows:

It is ordered, That the respondents, Simmonds Upholstery Co., Inc., a corporation, and Simmonds Sales System, Inc., a corporation, and their officers, and the respondents, Abe Baker, Edward Williams and Sidney Rubin, individually and as officers of said corporations, and respondent Abe Baker, trading as Simmonds Upholstery Co., or trading under any other name, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or delivery of reupholstering materials, whether sold separately or as a part of a charge for re-

upholstering furniture, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

- 1. That reupholstering will be done in a larger or different plant than is the fact.
- 2. That their business was established in 1899 or in any other year contrary to the fact.
- 3. That any price regularly or customarily offered is a special price or that any offer is for a limited time when such offer is a continuous one.
- 4. That furniture will be reupholstered at a price at which their salesmen have been instructed not to make sales, or at prices which are not listed in good faith.
- 5. That the frames of furniture delivered for reupholstering will be remodeled or rebuilt without further indicating that the customers' frames may be replaced with new frames.

6. That the quality or value of the materials used in reupholstering is superior to what it is in fact.

7. That the reupholstering is guaranteed in any manner unless the guarantee is in fact performed, and unless, where the guarantee is limited to workmanship, it is clearly, conspicuously and explicitly stated in immediate conjunction with the representation of guarantee that the guarantee is a guarantee of workmanship.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this the 25th day of June 1953.

Issued: June 30, 1953.

By direction of the Commission.

[SEAL]

D. C. DANIEL, Secretary.

[F. R. Doc. 53-6570; Filed, July 23, 1953; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 231-GRAZING

APPLICATIONS AND PERLITS

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U.S. C. 551), as amended by the act of February 1, 1905 (33 Stat. 628, 16 U.S. C. 472) and the act of April 24, 1950 (Pub. Law 478, 81st Cong., 2d Sess., 64 Stat. 85, 16 U.S. C. 580 1), Regulation G-3 of the regulations governing the occupancy, use, protection, and administration of the national forests, which constitutes § 231.3, Chapter II, Title 36, Code of Fed-

eral Regulations, is hereby amended to read as follows:

- § 231.3 Applications and permits.
 (a) Unless otherwise authorized by the Chief of the Forest Service, every person must submit an application and obtain a permit before his livestock can be allowed to graze on national-forest lands or other lands administered in connection therewith. The grazing regulations shall be considered a part of every permit.
- (b) The Chief of the Forest Service in regulating grazing on the national forests and other lands administered by him in connection therewith may authorize the issuance of permits for the grazing of livestock for periods not exceeding ten years and renewals thereof as authorized by section 19 of the act of April 24, 1950 (64 Stat. 88, 16 U. S. C. 580 1) under the following terms and conditions:
 - (1) Paid permits may be issued to:
- (i) Persons who own both the livestock to be grazed and commensurate property, and who otherwise qualify for the use of the range. Such permits, where covered by preferences, are renewable, and shall be called preference permits.
- (ii) Persons who do not possess any or all of the qualifications listed in sub-division (i) of this subparagraph and where surplus range exists. Such permits do not involve preferences, shall be called temporary permits, and shall not be issued for more than one year at a time.
 - (2) Free permits may be issued to:
- (1) Bona fide residents on ranch and agricultural lands within or contiguous to a national forest for not to exceed ten head of milk, work, or other animals owned for domestic purposes and whose products are consumed or whose services are used directly by the family of the resident, where there is a distinct need for forest range to support such animals.
- (ii) Prospectors, campers, and travelers, for the few head of livestock actually in use during the period of occupancy.

(iii) Others as may be authorized by the Chief of the Forest Service.

- (3) On and off permits may be issued to persons owning livestock which will graze on range, only part of which is national-forest land or other lands administered in connection therewith, for such proportion of their livestock as the circumstances appear to justify, but such persons may be required so to herd or handle their livestock as to prevent trespassing by that portion for which a permit is not granted.
- (4) Private-land permits, free of charge, may be issued to persons who own or control usable lands, located either inside or outside a national forest, and who agree that the United States shall have exclusive possession of such lands for the full calendar year, in exchange for grazing privileges for the number of livestock which such lands will support, either upon such lands, upon other lands in the possession of the United States, or upon national-

Filed as part of the original document.

forest or other lands administered in connection therewith, except that no such permit may be issued where the exchange will be disadyantageous to the Government.

(5) Crossing permits, either free or on a charge basis, may be issued to persons wishing to drive livestock across any portion of a national forest or other lands administered in connection therewith for any purpose.

(6) Permits, either free or on a charge basis, may be issued to persons conduct-

ing permitted or commercial operations on national-forest lands or other lands administered in connection therewith for livestock actually needed in connection with such operations.

All existing permits for grazing on national-forest lands and other lands administered in connection therewith which are continued in force after the date of this section shall be treated as having been issued under section 19 of the act of April 24, 1950 (64 Stat. 88, 16 U. S. C. 580 1) and this section.

(Sec. 1, 30 Stat. 35, as amended; 16 U. S. C. 551. Interprets or applies sec. 1, 33 Stat. 628; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, D. C., this 24th day of July 1953.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6651; Filed, July 28, 1953; 8:53 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Parts 906, 929]

HANDLING OF MILK IN TULSA AND MUS-KOGEE, OKLAHOMA, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MAR-KETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) public hearings were conducted at Tulsa, Oklahoma on March 9 and March 10–11, 1953, pursuant to notices thereof which were issued on February 18, 1953 (18 F R. 1043, 1044)

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 25, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the Federal Register on July 1, 1953 (18 F R. 3760)

The material issues and the findings and conclusions of the recommended decision (18 F R. 3760; Doc. 53-5744) are hereby approved and adopted as the material issues and the findings and conclusions, of this decision, as set forth below, with the following modification described with reference to the said

Federal Register docket:

1. In the first paragraph beginning in column 1 of page 3762 delete "250" appearing in line 9 thereof, and substitute therefor "300"

Preliminary statement. Public hearings, on the records of which the proposed marketing agreement and order was formulated, were conducted at Tulsa, Oklahoma, on March 9, and March 10-11, 1953, pursuant to notices thereof which were issued on February 18, 1953 (18 F R. 1043, 1044)

The major issues of record related to:
1. The merger of Orders, No. 6 and
No. 29 regulating the handling of milk
in the Tulsa, Oklahoma, and Muskogee,
Oklahoma, marketing areas;

- 2. Further expansion of the marketing area to include additional territory not now under regulation;
- 3. The applicability of provisions of the present Tulsa order to an order with an enlarged marketing area;
 - 4. The pricing of Class II milk: and
- 5. Other issues with respect to which decision has been made and action has been taken on the basis of the record of the hearing held March 9.

Findings and conclusions. The following findings and conclusions with respect to the material issues not heretofore decided are based on the evidence presented at the hearing and the record thereof:

1. Order No. 29 regulating the handling of milk in the Muskogee, Oklahoma, marketing area should be consolidated with Order No. 6 regulating the handling of milk in the Tulsa, Oklahoma, marketing area.

There is substantial overlapping and intermingling of Tulsa and Muskogee routes both for the procurement and distribution of milk. This overlapping and intermingling has developed to the point that there is no clearly defined break between the two areas. Uniform inspection requirements prevail for milk eligible for fluid distribution. A Muskogee handler has a permit for sale of milk in the City of Tulsa on the basis of his approval by the Muskogee health authorities. Milk approved by the Tulsa authorities is eligible for sale in Muskogee, and two Tulsa handlers are currently selling substantial quantities of milk in Muskogee. There is considerable interchange of milk between the plants of a handler who operates in both Tulsa and Muskogee. There is active competition for business between the two groups of handlers in the territory lying between and adjacent to the two marketing areas.

There are seven counties in Oklahoma and one county in Missouri from which both Tulsa and Muskogee draw milk supplies. These counties supply more than three-fourths of the total production for Muskogee and slightly less than half of that for Tulsa. Approximately one-third of the Muskogee supply comes from areas that are as readily accessible to Tulsa as to Muskogee, and in which there is a considerable concentration of production for the Tulsa market.

The Class I prices of the Tulsa and Muskogee orders have been the same except for the months of September

through December 1952 when a temporary increase due to drought conditions was in effect under the Tulsa order. For these months, however, Muskogeo handlers paid an equivalent amount in premiums above order prices. As of January 1953 the Tulsa order contains a provision for "supply-demand" adjustment of Class I prices which is not now included in the Muskogee order. This provision has had no effect on the Tulsa price up to the time of the hearing.

The uniform producer prices of the two orders have not maintained such a close relationship. For the first six months (July-December 1951) for which the Muskogee order was in effect the Tulsa price exceeded the Muskogee price by only a few cents. The percentage of producer milk in Class I use was practically identical and the differences in uniform prices were due to a slightly lower Class II price in Muskogee and the establishment of a reserve in the producer settlement fund in the initial operation of the Muskogee order. For the last six months of 1952, however, the Muskogee producer price, including the premiums mentioned above, averaged 31 cents less than the Tulsa producer price. While producer receipts in both markets increased about 5 percent in July-December 1952 over the same period in 1951. Class I sales by Tulsa handlers increased 12 percent and those by Muskogee handlers declined 7 percent.

Muskogee handlers attribute this difference in sales trends to their lack of facilities for packaging milk in half gallon paper containers. Their routes cover an extensive territory outside the marketing area in which they compete with handlers who now have such facilities. If the Tulsa and Muskogee pools are combined, Muskogee handlers will be in position to have Tulsa plants provide them with milk in half gallon packages without question as to the particular group of producers who will share the benefits of the Class I sales they make. It also appears that, recent changes in the operations of a Muskogee handler with respect to sales in the Fort Smith area will increase the Class I utilization of milk presently in the Muskogee pool.

In view of the common supply area and the common problems involved, the cooperative associations which formerly represented producers in Tulsa and Muskogee, respectively, have recently joined into a single association which

now represents more than two-thirds of the producers in each market. This association is the principal proponent of the proposal for merger of the two orders. It contends that adoption of the proposal will assist it in fulfilling its responsibilities in supplying the needs of the entire market, and in its ability to shift producers to plants at which milk can best be utilized. The base-excess plans now provided in each order make such shifts between the markets impracticable on a short time basis at certain seasons of the year.

Individual Tulsa producers oppose the merger of the orders because they fear that their uniform price will be lowered It appears that over the long run producers in the common supply area would shift to the market with the higher blend price and that this process would result in about the same average price under each order as will result under a combined order. Testimony on the record indicates that unless the orders are merged there will be a substantial number of Muskogee producers shift to Tulsa in the near future. Under a single regulation the cooperative association can be expected to direct delivery of milk to the plants at which it is needed for Class I use.

To accomplish the merger effectively and most equitably the funds in the custody of the market administrator in the administrative, marketing service and producer-settlement funds under the Muskogee order should be combined with funds in the similar funds under the Tulsa order when the merger is effected. To distribute such funds under the Muskogee order to Muskogee producers and handlers would unduly burden handlers and producers now regulated by the Tulsa order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail for no good purpose.

2. The marketing area should not be expanded at this time to include additional territory not now under regulations.

It was proposed that in addition to the terrifory now under regulation, the marketing area be expanded to include all or significant portions of twelve counties in Northeastern Oklahoma. The area proposed is identical with that with respect to which evidence was received at a public hearing held July 29-31, 1952 (while a slightly larger area was proposed in the notice of such hearing, no evidence was then offered in support of territory other than that included in the notice of the hearing of March 10-11. Very little new evidence was introduced at the March hearing, as those supporting the proposal and most of those opposing it incorporated their previous evidence by reference, without offering additional evidence.

On the basis of the evidence received at the 1952 hearing the Secretary of Agriculture, in a decision issued December 29, 1952, concluded that the proposal should not be adopted at that time. A careful review of the evidence upon which such conclusion was based, and the additional pertinent evidence con-

tained in the record, indicates that the previous conclusion and the findings made in connection therewith are still valid at this time.

3. The substantive provisions of Order No. 6 should be included in the order for the combined marketing area, except as noted below and elsewhere in this decision.

The provisions of the Tulsa and Muskogee orders are for the most part identical in their substantive effect. As indicated above the Class I pricing provisions are identical except for a "supplydemand" adjustment provision of the Tulsa order. This provision will be equally applicable in adjusting the Class I price applicable to the order for the combined marketing area. Specific proposals with respect to the pricing of Class II milk are discussed elsewhere in this decision. The classification provisions of the orders are very similar, and, except as noted below, those of the Tulsa order should be included in the order for the combined area.

The majority of the provisions of a milk order apply to the individual operations of handlers in determining the classification and minimum value of receipts of milk from producers by each handler. The effect of similar provisions of such nature in two separate orders are not changed when the two orders are combined into a single regulation.

Action has been taken on the basis of this record to classify as Class II milk skim milk dumped after prior notification to and opportunity for verification by the market administrator. The provision should be continued in the merged order. The classification and allocation treatment of inventories should be changed. Presently changes in inventories of milk, skim milk, cream and specified Class I products from the beginning to the end of the month serve to increase or decrease the total volume of milk classified as Class II milk, to which current receipts of other source milk are first allocated. This system does not give producer milk in inventory prior claim to Class I sales over current receipts of other source milk. In addition, confusing negative classification figures cause some confusion. These results will be avoided if all skim milk in the closing inventory in these forms is classified as Class II milk and the opening inventory is treated as a receipt to be allocated, in series beginning with Class II milk, to the uses remaining after prior allocation of receipts of other source milk to Class II uses. If this results in any of the opening inventory being allocated to Class I milk, it indicates that the handler has used for Class I purposes during the current month milk classified as Class II milk in inventory the previous month. If an equivalent volume of producer milk (other than allowable shrinkage) was paid for as Class II milk the previous month, the handler should pay the remainder of the Class I value as a reclassification charge. Provision should be made, however, that this system of revolving inventories should not apply to cream stored in flush production seasons for manufacturing use in the short season. This is accomplished by classifying as Class II

milk cream frozen and stored. The cream so classified may be reclassified. but without priority over current receipts of other source milk, if used as Class I milk when removed from storage.

The allocation provisions of the order should be made more specific with respect to interhandler movements of products in forms other than milk, skim milk or cream. The classification of such products in the plant of the first handler are not determined by the rules determining the classification of milk, skim milk or cream moved between handlers, and provision should be made for allocation at the class determined by other provisions of the order.

With respect to the classification of milk moved to unapproved plants some modifications are necessary in an order for the enlarged marketing area. The limits within which milk and skim milk may be moved to an unapproved plant and classified as Class II milk are not consistent. It is concluded that a limit of 300 highway miles from Tulsa will provide an area available to all handlers within which manufacturing facilities are available for the disposition of seasonal surpluses of milk. The provisions with respect to classification of cream moved to unapproved plants should be uniform without regard to distance. Presently the requirements to establish Class II classification on movements to distant plants appear to be less burdensome than to establish such classification on movements to nearby plants. Cream so moved should be Class I if the cream. moves under Grade A certification, and be Class II if the handler establishes that the cream moved without such certification and with each container labeled to indicate that the contents were for manufacturing use only, and that the shipment was so invoiced.

Location adjustments to handlers and to producers are presently provided in each order. The Tulsa order provides such adjustments with respect to milk received at approved plants 35 miles or more from the City Hall in Tulsa. The Muskogee order provides for such adjustments at two specified locations, at only one of which there is presently a plant in operation. The provisions of the Tulsa order should be revised to provide that such adjustments apply to plants not located in the marketing area at distances measured from the nearer of the City Hall in Tulsa or the City Hallin Muskogee. This will not affect the rate of adjustment currently provided at any plants now in operation and should provide an equitable system of adjust-

A proposal that receipts of other source milk classified as Class I milk under any other Federal order be allocated so as to give such milk prior claim to Class I sales over receipts of producer milk should not be adopted. Other source milk is presently allocated to Class I uses in a handler's plant when receipts of producer milk at such plant are less than Class I uses. Milk priced under another Federal order is so allocated if brought into the plant of a handler regulated by either the Tulsa or Muskogee orders. When distributed on routes in

the marketing area by or for the handler subject to another Federal order the provisions of the present orders require that handler to pay any amount by which its value at the Class I price of the other order is less than that of the order involved. There is no basis on this record for changing such provisions. The proposal would provide a means whereby local handlers could have a competitive advantage over such handlers on distribution within the marketing area. It was also contended that the provision would limit the volumes of milk for which handlers pay producers the Class I price to the volume available when needed in periods when daily receipts and sales fluctuate within the monthly accounting period. No limit was proposed, however, which would limit the applicability of the provision to the times or volumes that might be associated with such fluctuation.

4. The administrative assessment should be continued at a maximum rate of 4 cents per hundredweight. This is the rate that has prevailed in each order. The question was raised as to whether the merging of the orders might not result in sufficient savings to warrant a reduction in the maximum rate. Since the two orders have been administered jointly from a single office with the same staff of employees, the economies of administration will not be great. The 4 cents is a maximum rate and the actual assessment can be reduced as operations prove that a lesser amount will provide sufficient revenue to administer the order.

5. The price for Class II milk should be determined by the average paying prices of five manufacturing plants which purchase milk from darry farmers in the area within which producers supplying the market are located.

Manufacturing milk plant prices presently determine the Class II price in each of the Tulsa and Muskogee orders. A list of four plants is named in each order two plants are listed in both orders. so that a total of six plants are named. Various combinations of these plants and other plants were proposed as the list of plants whose paying prices should determine the Class II price. Five of these plants buy ungraded milk from dairy farmers located in the area from which producers supply the Tulsa and Muskogee markets, while the sixth plant is located at considerable distance from the supply area. One of the five plants is located in Tulsa and one in Muskogee. These five plants represent the principal outlets to which Class II milk in excess of that processed in handlers' plants has moved in the past. The plant located at Tulsa was at the time of the hearing part of a regulated handler's operations but since that date has become independently operated, a fact of which official notice is taken.

It is concluded that the average of the paying prices of these five plants for ungraded milk is representative of the value of Class II milk in the area. Two of these plants are principally engaged in the processing of evaporated milk, two make cheese as their principal product, and the fifth processes ice cream

ingredients, non-fat dry milk solids and butter.

Proposals were made to provide for prices for certain milk at less than the regular Class II price. It was proposed that for the months of April through August 1953 butterfat used or disposed of for the manufacture of butter, and skim milk disposed of for livestock feed or not otherwise accounted for be priced at lower levels determined by the price of 90 score butter and non-fat dry milk solids sold for animal feed. It was also proposed that for the months of April through August thereafter the order price "distress milk" at 40 cents per hundredweight below the regular Class II price. "Distress milk" was proposed to be defined as that shipped from a handler's plant after having been offered for sale without acceptance at the last announced Class II price plus 17 cents per hundredweight.

The use of the paying prices of local manufacturing plants as a basis for determining the Class II price would appear to provide a price which will vary directly with the prevailing price of manufacturing milk in the area. There appears to be no need for providing a lower price for the present season. The local plant prices of the two orders have decreased as rapidly as the values of manufactured dairy products. While the record indicates uncertainty as to whether normal outlets for manufacturing milk would be available to the extent of previous years, it does not appear that reduction of the Class II price of the order will have any effect in the situation. Instead it might accelerate decline in prices to producers of manufacturing milk.

The "distress milk" provisions proposed for permanent inclusion in the order appear to be such as to make it likely that a large proportion of all milk moved for manufacturing purposes from handlers' plants would be priced at the discount, of 40 cents per hundredweight regardless of market conditions. The proposal should not be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which effect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest: and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of

industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of June 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such amending order.

Marketing agreement and order nexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure. as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of July 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

- (1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:
- (2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in yiew of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in'the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest: and
- (3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the month of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions:

The provisions of §§ 906.1 to 906.101. inclusive, of the recommended marketing agreement and order contained in the recommended decision issued by the Assistant Administrator, Production and Marketing Administration, on June 25, 1953, and published in the Federal Reg-ISTER July 1, 1953 (18 F. R. 3760-3768; F. R. Doc. 53-5744) shall be and are the terms and provisions of this order as if set forth in full herein, except for the following modifications described with reference to the said Federal Register docket:

- 1. In the last paragraph beginning in column 3 of page 3764 (§ 906.44 (c)), the "250" appearing in line 4 to "300"
- 2. In the second paragraph beginning in column 1 of page 3765 (§ 906.44 (e) (1)) delete "250" appearing in line 4 thereof and substitute therefor "300" and delete the words "or to other milk plants" appearing in line 7 thereof.
- 3. Delete § 906.44 (f) appearing as the fifth paragraph in column 1 of page 3765 and substitute therefor the following:
- (f) As Class II milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more

than 300 miles from Tulsa, Oklahoma, and from which fluid milk is not disposed of on wholesale or retail routes, except that:

(1) If such unapproved plant transfers milk or skim milk to an approved plant, an equal amount of skim milk and butterfat transferred to such unapproved plant from the approved plants of other handlers shall be deemed to have been transferred directly to the second approved plant and shall be classified pursuant to the provisions of paragraph (a) of this section; and

(2) If such unapproved plant transfers milk or skim milk to a second unapproved plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from an approved plant to the first unapproved plant shall be Class I milk to the extent of the amount so transferred to such second unapproved plant unless it is established that the milk or skim milk was . transferred to the second unapproved plant without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only, and that the shipment was so invoiced.

- 4. Delete § 906.70 (c) appearing as the second paragraph beginning in column 3 of page 3766 and substitute therefor the following:
- (c) Add any charges computed as follows:
- (1) For any skim milk or butterfat inventory reclassified pursuant to § 906.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month:
- (2) For any other skim milk or butterfat reclassified pursuant to § 906.43 (b) a charge shall be computed at the difference between its value at the Class I price for the current months and its value at the Class II price for the month in which previously classified as Class II milk.

ORDER 1 AMENDING THE ORDER, AS AMENDED. REGULATING THE HANDLING OF MILK IN THE TULSA, OKLAHOMA, MARKETING AREA

ORDER, AS AMENDED, REGULATING THE HAM-DLING OF MILK IN THE TULSA-MUSHOGEE MARKETING AREA

DEFINITIONS

Sec.

906.1 Act. 906.2 Secretary. 906.3 Department. 906.4 Person. 906.5 Cooperative association. 906.6 Tulsa-Muskogee, Oklahoma, marketing area. 906.7 Approved plant. 906.8 Unapproved plant. 906.9 Handler. 906.10 Producer.

Sec.	
808.11	Producer milit.
800.12	Other cource milk.
906,13	Producer-handler.
906.14	Base milk.
906.15	Excess milk.

MARKET ADMINISTRATOR

808.20 Designation. 906.21 Powers. 906.22 Dutles.

REPORTS, RECORDS AND FACILITIES

Reports of receipts and utilization. 906.30 806.31 Reports of payments to producers. 906.32 Other reports. Records and facilities. 906.34 Retention of records.

906.40 Skim milk and butterfat to be classifled.

Classes of utilization. 906.41 806.42 Shrinkage.

Responsibility of handlers and re-908.43 classification of milk.

906.44 Transfers. Computation of the skim milk and 808.45 butterfat in each class.

906.46 Allocation of skim milk and butterfat classified.

LUNIMUM PRICES

906.50 Basic formula price to be used in determining Class I prices. 908.51 Class prices. Butterfat differentials to handlers. 906.52 906.53 Location adjustment credit to handlers.

APPLICATION OF PROVISIONS

806.60 Producer-handlers. 908.61 Handlers subject to other orders.

DETERMINATION OF BASE

Computation of daily average base for each producer.

906.06 Base rules.

906.80

DETERMINATION OF UNIFORM PRICES

906.70 Computation of value of milk. Computation of aggregate value used 906.71 to determine price(s). Computation of uniform price.
Computation of uniform prices for base milk and excess milk. 806.72 906.73

Time and method of payments.
Location adjustments to producers. 906.81 Producer butterfat differential. 906.82 906.83 Producer-cettlement fund. 906.84 Payments to the producer-settlement fund. 906.85 Payment out of the producer-settlement fund.

906.86 Adjustments of accounts. Marketing services. Expense of administration. 906.87 88,308

63,308 Termination of obligation.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION 806.90 Effective time.

Suspension or termination. 906.92 Continuing obligations.

906.93 Liquidation.

LIECELLANEOUS PROVISIONS

906.100 Agents. 808.101 Separability of provisions.

Authority: \$\$ 906.1 to 906.101 issued under cec. 5, 49 Stat. 753, as amended: 7 U. S. C. and Sup. 603c.

DEFINITIONS

§ 906.1 Act. "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.)

This order shall not become effective unless and until the requirements of \$ 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been

§ 906.2 Secretary. "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 906.3 Department. "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 906.4 Person. "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 906.5 Cooperative association. "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"

(b) To have full authority in the sale of milk of its members, and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 906.6 Tulsa-Muskogee, Oklahoma, marketing area. "Tulsa-Muskogee, Oklahoma, marketing area" hereinafter called the marketing area, means all territory within County of Tulsa, the City of Sapulpa, the township of Sapulpa in Creek County, that part of Black Dog township in 20 North, Ranges 10, 11, and 12 East in Osage County, and the Cities of Muskogee, McAlester and Tahlequah, all in the State of Oklahoma.

§ 906.7 Approved plant. "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including routes operated by vendors and disposition at plant stores)

(b) Any milk plant approved by any health authority having jurisdiction in the marketing area which serves as a receiving station by receiving, weighing, and commingling producer milk and from which such milk is normally transferred to a plant specified in paragraph (a) of this section.

§ 906.8 Unapproved plant. "Unapproved plant" means any milk manufacturing, processing, bottling or distributing plant other than an approved plant.

§ 906.9 Handler "Handler" means: (a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 906.10 Producer "Producer" means any person, other than a producer-handler, who produces milk, under a dairy farm permit, permit authorization or rating, for the production of milk to be disposed of for consumption as Grade A milk, issued by any health authority having jurisdiction in the marketing area, which is received at an approved plant. Producer shall include any such person whose milk is caused by a handler to be diverted for the account of such handler from an approved plant to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal order and who is partially exempt from the provisions of this subpart pursuant to § 906.61.

§ 906.11 Producer milk. "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 906.12 Other source milk. "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

Producer-handler § 906.13 ducer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 906.14 Base milk. "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 906.15 Excess milk. "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

MARKET ADMINISTRATOR

§ 906.20 Designation. The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 906.21 Powers. The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions:

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and, -(d) To recommend amendments to the Secretary.

§ 906.22. Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and

provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market

administrator; .
(d) Pay out of funds provided by § 906.88 the cost of his bond and of the bonds of his employees; his own compensation, and all other expenses (except those incurred under § 906.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary surrender the same to such other person as the Sec-

retary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the day upon which he is required to perform such acts. has not:

(1) Made reports pursuant to §§ 906.30 to 906.32, inclusive,

(2) Maintained adequate records and facilities pursuant to § 906.33, or

(3) Made payments pursuant to §§ 906.80 to 906.88, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used ın each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each

month as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a) and the Class I butterfat differential computed pursuant to § 906.52 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 906.51 (b) and the Class II butterfat differential computed pursuant to § 906.52 (b) both for the previous month; and

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.71 or § 906.72, as applicable, and the butterfat differential computed pursuant to § 906.82, both for

the previous month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 906.30 Reports of receipts and utilization. On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers:

(c) The quartities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received

without further processing or packaging by the handler)

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products

on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 906.31 Reports of payments to producers. On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 906.32 Other reports. (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 906.33 Records and facilities. Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other

source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and coop-

erative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 906.34 Retention of records. books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written, notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection there-

CLASSIFICATION

§ 906.40 Skim milk and butterfat to be classified. All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions of §§ 906.41 to 906.46, inclusive.

§ 906.41 Classes of utilization. Subject to the conditions set forth in §§ 906.43 and 906.44, inclusive, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

- (2) Disposed of for livestock feed;
- (3) In cream frozen and stored;
- (4) In skim milk dumped, after prior notification to an opportunity for verification by the market administrator:
- (5) In shrinkage up to 2 percent of receipts from producers;
- (6) In shrinkage of other source mill;
- (7) In inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.
- § 906.42 Shrinkage. The market administrator shall allocate shrinkage over a handler's receipts as follows:
- (a) Compute the total shrinkage of skim milk and butterfat for each handler: and
- (b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 906.43 Responsibility of handlers and reclassification of mills. (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 906.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 906.46 (a) (4).

§ 906.44 Transfers. Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: Provided, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof 'remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to \$906.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I. And provided further, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk

(b) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 300 miles from Tulsa, Oklahoma, by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only, and that the shipment was so invoiced;

(e) (1) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 highway miles from Tulsa, Oklahoma, and from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such un-

approved plant; and

(ii) Such unapproved plant received milk from dairy farmers who the market administrator determines constitute its regular source of supply for Class I milk.

- (2) If these conditions are met the market administrator shall classify such milk as reported by the handler subject to verification as follows: (i) Determine the use of all skim milk and butterfat at such unapproved plant, and (ii) allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers.
- (f) As Class II milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from Tulsa, Oklahoma, and from which fluid milk is not disposed of on wholesale or retail routes, except that:
- (1) If such unapproved plant transfers milk or skim milk to an approved. plant, an equal amount of skim milk and butterfat transferred to such unapproved plant from the approved plants of other handlers shall be deemed to have been transferred directly to the second approved plant and shall be classified pursuant to the provisions of paragraph (a) of this section; and
- (2) If such unapproved plant transfers milk or skim milk to a second unapproved plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from an approved plant to the first unapproved plant shall be Class I milk to the extent of the amount so transferred to such second unapproved plant unless it is established that the milk or skim milk was transferred to the second unapproved plant without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only, and that the shipment was so invoiced.

§ 906.45 Computation of the skim milk and butterfat in each class. For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 906.46 Allocation of skim milk and butterfat classified. After making the computations pursuant to § 906.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner.

- (1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 906.41 (b)
- (2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 906.41,

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in

receipt of other source milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified m § 906.41 (a)

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 906.44 (a)

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage"

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 906.50 Basic formula price to be used in determining Class I prices. The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 906.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich. Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich. Borden Co., Greenville, Wis. Borden Co., Black Creek, Wis. Borden Co., Orfordville, Wis. Borden Co., New London, Wis. Carnation Co., Chilton, Wis. Carnation Co., Berlin, Wis. Carnation Co., Richland Center, Wis. Carnation Co., Oconomowoc, Wis. Carnation Co., Jefferson, Wis. Pet Milk Co., New Glarus, Wis. Pet Milk Co., Belleville, Wis. White House Milk Co., Manitowoc, Wis. White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturmg plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 906.51 Class prices. Subject to the provisions of §§ 906.52 and 906.53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) Class I milk. The basic formula price plus \$1.45 during the months of April. May and June and plus \$1.85 during all other months: Provided, That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage:

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utiliza-

tion percentage shown below

Month for which price applies	Months used in computation	Standard utilization percentage
January February March April May June July September October November December	November-December December-January January-February February-March March-April April-May May-June June-July July-August August-September September-October October-November	103 110 112 114 117 129 137 134 128 119

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July and August; 2 cents in April, May and June; 4 cents in September, October, November and December; and for each plus percentage point in excess of 2 m the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July and August; 4 cents in April, May and June; and 2 cents in September, October, November and December: Provided, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

(b) Class II milk. The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

American Foods Co., Miami, Okia. Muskogee Dairy Products Co., Muskogee, Okla.

Page Milk Co., Coffeyville, Kans. Pet Milk Co., Siloam Springs, Ark. Real Test Foods Co., Tulsa, Okla.

Butterfat differentials to § 906.52 handlers. If the average butterfat content of the milk of any handler allocated to any class pursuant to § 906.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 906.51, for each onetenth of I percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each onetenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

- (a) Class I milk. Multiply such price for the preceding month by 1.25;
- (b) Class II milk. Multiply such price for the current month by 1.15.

§ 906.53 Location adjustment credit to handlers. For that portion of milk which is (a) received directly from producers at an approved plant located outside the marketing area and 35 or more miles from the nearer of City Hall in Tulsa or the City Hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, and (b) is either (1) moved to and received at an approved plant located in the marketing area in the form of milk, skim milk or cream, or (2) is classified as Class I milk without such movement, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler, computed as follows:

'APPLICATION OF PROVISIONS

§ 906.60 Producer-handlers. Sections 906.40 through 906.46, 906.65, 906.66, 906.50 through 906.53, 906.70 through 906.73, and 906.80 through 906.89, shall not apply to a producer-handler.

§ 906.61 Handlers subject to other orders. In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF BASE

§ 906.65 Computation of daily average base for each producer. For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 906.66 Base rules. (a) A base shall apply to deliveries of milk by the pro-

ducer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy energitions

dairy operations.
(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

DETERMINATION OF UNIFORM PRICES

§ 906.70 Computation of value of milk. The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to §§ 906.52 and 906.53) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 906.48 (a) (7) by the applicable class price(s) and

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to \$906.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month:

(2) For any other skim milk or butterfat reclassified pursuant to § 906.43 (b) a charge shall be computed at the difference between its value at the Class I price for the current months and its value at the Class II price for the month in which previously classified as Class II milk.

§ 906.71 Computation of aggregate value used to determine price(s) For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to \$906.70 for all handlers who made the reports prescribed in \$906.30 and who made the payments pursuant to \$\$906.80 and 906.84 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81.

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount

No. 147---3

of the contingent obligations to handlers pursuant to § 906.85.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to \$906.82 and multiplying the resulting figure by the total hundredweight of such milk.

§ 906.72 Computation of uniform price. For each of the months of July through March the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 906.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 906.73 Computation of uniform prices for base milk and excess milk. For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts:

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of milk computed pursuant to \$ 906.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 906.80 Time and method of payment. Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§.906.72 and 906.73, adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, and less the amount of the payment made pursuant to paragraph (b) of this section: Provided, That if by such date such handler has not received full payment pursuant to § 906.85, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month.

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this paragraph, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 906.81 Location adjustment to producers. In making payments to producers pursuant to § 906.80, each handler may deduct per hundredweight of milk received from producers at an approved plant, or diverted to an unapproved plant, either of which is located outside the marketing area and 35 or more miles from the nearer of the City Hall in Tulsa or the City Hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below.

Distance from nearer of the	Cents per
City Hall in Tulsa or the	hundred-
City Hall in Muskogee:	weight
35 to 50 miles	15
50.1 to 65 miles	
65.1 to 80, miles	19
80.1 to 95 miles	
95.1 miles or over	

§ 906.82 Producer butterfat differential. In making payments pursuant to § 906.80 there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest onetenth of a cent.

§ 906.83 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 906.84, 906.61 (b), and 906.86, and out of which he shall make all payments to handlers pursuant to §§ 906.85 and 906.86, inclusive.

§ 906.84 Payments to the producer-settlement fund. On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 906.70 is greater than the amount required to be paid producers by such handler pursuant to § 906.80.

§ 906.85 Payment out of the producersettlement fund. On or before the 14th day after the end of the month during which the milk was received the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is less than the amount required to be paid producers by such handler pursuant to § 906.80: Provided, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 906.86 Adjustments of accounts. Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting on moneys due (a) the market administrator from such handler (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 906.87 Marketing services. Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 906.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually per-

forming the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31.

§ 906.88 Expense of administration. As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 906.89 Termination of obligation. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b)² If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin

to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 906.90 Effective time. The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 906.91.

§ 906.91 Suspension or termination. The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 906.92 Continuing obligations. If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 906.93 Liquidation. Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

LUSCELLANEOUS PROVISIONS

§ 906.100 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 906.101 Separability of promsions. If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

[F. R. Doc. 53-6828; Filed, July 28, 1953; 8:47 a. m.]

I 7 CFR Part 924 1

[Docket No. AO-225-A3]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETRIG AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Detroit, Michigan, on February 20, 1953, pursuant to notice thereof which was issued on February 12, 1953, (18 F. R. 910)

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 27, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the Federal Register on June 2, 1953 (18 F. R. 3143).

The material issues and the findings and conclusions of the recommended decision (18 F. R. 3148; F. R. Doc. 53-4771) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revision:

1. Delete the last two sentences of the last full paragraph appearing in column 1, page 3150.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at vari-

ance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of May, 1953, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Detroit, Michigan, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order nexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area,' which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of July 1953.

E. T. BENSON. [SEAL] Secretary of Agriculture.

Order 1 Amending the Order as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area

§ 924.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Detroit, Michigan, on Febru-. ary 20, 1953, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk. and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area. shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows: In § 924.52 delete the figure "0.36" which appears at the end of the section, and substitute therefor the figure "0.406"

[F. R. Doc. 53-6629; Filed, July 28, 1953; 8:47 a. m.]

[7 CFR Part 951]

[Docket No. AO-135-A4]

HANDLING OF TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUN-TIES IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 53-6577. appearing at page 4382 of the issue for Saturday, July 25, 1953, the following signature should appear at the end of the "Order Directing That A Referendum Be Conducted * * *** "E. T. Benson, Secretary of Agriculture."

[7 CFR Part 951]

TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFOR-ΝIΑ

EXPENSES AND FIXING OF RATE OF ASSESS-MENT FOR 1953-54 SEASON

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951) regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculturo find that expenses not to exceed \$37,470.00 are likely to be incurred by said committee during the season beginning April 1, 1953, and ending March 31, 1954, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement

and order; and

(b) That the Secretary of Agriculture fix. as the share of such expenses which each handler who first ships grapes shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at \$0.008 per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the Federal Register.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 24th day of July 1953.

S. R. SMITH, [SEAL] Director Fruit and Vegetable Branch, Production and Marketing Administration,

[F. R. Doc. 53-6652; Filed, July 28, 1953; 8:53 a. m.]

[7 CFR Part 971]

[Docket No. AO-175-A 11]

HANDLING OF MILK IN DAYTON-SPRING-FIELD, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.).

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Dayton, Ohio, on June 5, 1953, pursuant to notice thereof which was issued on May 27, 1953 (18 F. R. 3120).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on July 3, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto, which was published in the Federal Register on July 9, 1953 (18 F.R. 4031)

The only material issue of record related to revisions in the method of calculating the basic formula price.

Findings and conclusions. The following findings and conclusions are based upon evidence submitted at the hearing and the record thereof.

Basic formula price. The provisions for the computation of the basic formula price which are based on the prices of butter and nonfat dry milk solids should be changed so that the resulting basic formula prices will be realigned with basic formula prices in other nearby markets.

The supply areas for the Cincinnati and Columbus markets overlap the Dayton-Springfield supply area to a considerable extent. Thus these markets compete with Dayton-Springfield for milk supplies. This overlapping and competition for supplies is more extensive between Dayton-Springfield and Cincinnati than between Dayton-Springfield and Columbus. Unless price relationships between these competing markets are mainfained in proper alignment, misallocation of supplies among the markets will result.

Basic formula prices as used in the computation of Class I and Class II prices in Cincinnati, Columbus, and Dayton-Springfield are intended to reflect a basic value of milk. Appropriate levels of Class I and Class II prices are achieved by adding prescribed amounts to the basic formula prices. Amounts to be added to the basic formula prices vary between markets to reflect local conditions. Unless basic formula prices are properly aligned, changes in the relationship between Dayton-Springfield. Class I and Class II prices and Class I and Class II prices in Cincinnati or in Columbus may result from variations in basic formula prices which may not be justified by local conditions.

Except during the last four months the basic formula prices in these three markets have been well aligned during the last few years. From September 1950 through January 1953 the widest difference between the Dayton-Springfield basic formula price and the Cincinnati or Columbus basic price was eight cents. During 1951 and 1952 the basic formula prices in each of the three markets averaged as follows:

	1951	1912
Cincinnati	82.67	81.63
Columbus	3.63	3.67
Dayton-Springfield	3.63	3.87

Since January 1953 the Dayton-Springfield basic formula price has declined in relation to the basic formula prices in Cincinnati and Columbus so that the Cincinnati and Columbus basic formula prices have exceeded the Dayton-Springfield basic formula prices as follows:

	Cincinnati	Columbus
February	\$3.12	\$9,10
March	.18	.16
April	.18	.15
May	.17	.14

This change since January 1953 in Dayton-Springfield basic formula prices in relation to Cincinnati and Columbus basic formula prices has resulted from an increase in spray process nonfat dry milk solids prices in relation to roller process nonfat dry milk solids and an increase in nonfat dry milk solids prices f. o. b. manufacturing plants in the Chicago area in relation to nonfat dry milk solids wholesale prices in Chicago. The wholesale price of roller process nonfat dry milk solids at Chicago is used in the computation of the Dayton-Springfield Class I price while the average of the prices of spray and roller process nonfat dry milk solids f. o. b. manufacturing plants in the Chicago area is used in the computation of Cincinnati and Columbus basic formula prices.

It is concluded that the Dayton-Springfield basic formula prices should be realigned to its former relationship with Cincinnati and Columbus basic formula prices. Since competition for supplies is more extensive between Dayton-Springfield and Cincinnati than between Dayton-Springfield and Columbus, closer alignment with Cincinnaticis appropriate. The provisions for the computation of the Dayton-Springfield basic formula price which are based on the prices of butter and nonfat dry milk solids should be the same as such provisions for the computation of the Cincinnati basic formula price. Such provisions prescribe the calculation of a value which is the sum of (1) the average wholesale price of Grade A or 92-score butter at Chicago multiplied by 4.2; and (2) the average of the prices for spray and roller process nonfat dry milk solids f. o. b. manufacturing plants in the Chicago area, less 5.5 cents, times 8.2.

Since the Class III skim milk price is presently based on the same nonfat dry milk solids price used in the basic formula price computation by direct reference thereto, the Class III pricing provisions must be changed as proposed to specifically describe the nonfat dry milk solids price presently used.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Rulings. Exceptions filed to the aforesaid recommended decision were fully considered along with the evidence in the record in making the findings and conclusions contained herein: To the extent that these findings and conclusions or the order amending the order which is a part of this decision are at variance with the exceptions, such exceptions are denied for reasons set forth in the findings and conclusions. Rulings on proposed findings and conclusions contained in the aforesaid recommended decision are confirmed.

Determination of representative period. The month of April 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These docu-ments shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of July 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

Order ¹ Ámending the Order as Amended, Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area

§ 971.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and

conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 971.50 (c) (1) and (2) to read as follows:

- (1) Multiply by 3.5 the average price of butter computed pursuant to paragraph (b) (1) of this section, and add 20 percent thereof; and
- (2) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply the result by 8.2.
- 2. Amend § 971.53 (b) to read as follows:
- (b) The price per hundredweight of skim milk shall be computed as follows: (1) Calculate the arithmetical average of the carlot prices per pound of roller process nonfat dry milk solids in barrels, for human consumption, at Chicago for the weeks ending within such month as reported by the Department of Agriculture, (2) deduct 5.5 cents therefrom, (3) multiply the result by 8.2, (4) divide the result by 0.965, and (5) subtract therefrom 20 cents for each of the months of March through August.

[F. R. Doc. 53-6630; Filed, July 28, 1953; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 3]

[Docket No. 10595]

Time for Filing Applications for Renewal of Broadcast Station Licenses; License Périods of Noncommercial Educational FM Broadcast Stations

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 1.320 (a) and 3.520 of the Commission's rules relating to the time for filing applications for renewal of broadcast station licenses, and § 3.518 relating to license periods of noncommercial educational FM broadcast stations; Docket No. 10595.

- 1. Notice is hereby given of proposed rule making in the above-entitled matter.
- 2. Section 3.518 (a) of the Commission's rules presently provides that all initial licenses for noncommercial educational FM broadcast stations will be issued for a minimum period of one year and a maximum period of one year and eleven months to expire in accordance with the schedule set forth therein. Section' 3.518 (b) provides that all renewals of noncommercial educational FM broadcast station licenses will be issued for a maximum period of three

years, and at three year intervals thereafter in accordance with the schedule set forth therein.

- 3. It is proposed to amend §§ 1.320 (a) and 3.520 of the Commission's rules to require the filing of noncommercial educational FM broadcast renewal applications 90 days prior to the expiration of the license sought to be renewed. It is also proposed to amend § 3.518 to provide a normal license period of 3 years noncommercial educational FM broadcast station licenses and to provide for the determination of the expiration date of the normal station license period on a geographical basis so that the licenses of stations located in contiguous areas will expire at the same time. The proposed amendments are set forth below.
- 4. The Commission, in the proceedings in Docket No. 9873, adopted rules providing that renewal applications for standard broadcast, FM broadcast, television broadcast and auxiliary broadcast stations be filed 90 days prior to the expiration of the station license. In addition, the determination of the license expiration dates for the above stations was changed from a frequency basis to a geographical basis. Our proposed amendments herein would conform the procedure with respect to the renewal of noncommercial educational FM stations to the procedure we adopted in the above proceeding.

5. The instant proposal would result in a better distribution of the Commission work load. Furthermore, in some instances, more than one noncommercial FM broadcast station is owned and operated by the same licensee in contiguous areas. Data and reports required to be filed in connection with FCC Form 342 would under the proposed plan be filed by such licensees at the same time, thus eliminating duplicate review by the Commission and repetitive filings by the licensees. Application for renewal of licenses of stations located in contiguous areas sometimes present common problems. The proposed plan would facilitate the consideration of such problems.

6. Authority for adoption of the proposed amendments is contained in sections 4 (i) 303 (r) 307 (a), (b) (d) and (e) 303 (a) and (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendments herein referred to should or should not be adopted, or should not be adopted in the form set forth herein, may file on or before August 24, 1953 a written state-ment or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant it, oral argument will be held.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 22, 1953. Released: July 23, 1953.

[SEAL]

Federal Communications Commission, T. J. Slowie, Secretary.

1. It is proposed to amend § 3.518 to read as follows:

§ 3.518 Normal license period. (a) All noncommercial educational FM broadcast station licenses will be issued for a normal license period of three years. Eicenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter.

(1) For stations located in Delaware and Pennsylvania, August 1, 1954.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1954.

(3) For stations located in North Carolina, South Carolina, December 1, 1954.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1955.

(5) For stations located in Alabama and Georgia, April 1, 1955.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1955.

(7) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1955. (8) For stations located in Ohio and

Michigan, October 1, 1955.

(9) For stations located in Illinois and Wisconsin, December 1, 1955.

(10) For stations located in Iowa and Missouri, February 1, 1956.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1956.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1956.

(13) For stations located in Texas, August 1, 1956.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and

Idaho, October 1, 1956. (15) For stations located in California, December 1, 1953. (16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1954.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1954.

(18) For stations located in New Jersey and New York, June 1, 1954.

2. It is proposed to amend § 3.520 (a) to read as follows:

§ 3.520 Renewal of license. (a) Unless otherwise directed by the Commission, each application for renewal of a noncommercial educational FM broadcast station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (FCC Form 342)

3. It is proposed to amend § 1.320 as follows: Delete paragraph (a) and substitute the following:

§ 1.320 Application for renewal of license: broadcast and nonbroadcast. (a) Unless otherwise directed by the Commission each application for renewal of license of a standard broadcast, FM broadcast, noncommercial educational FM broadcast, television broadcast station and an auxiliary broadcast station (remote pickup broadcast, broadcast STL, television pickup, television STL and television inter-city relay) shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of a nonbroadcast station shall be filed at least 60 4 days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station 4 will be considered unless there is on file with the Commission the information currently required by §§ 1.341 to 1.344 reference to which by date and file number shall be included in the application.

[F. R. Doc. 53-6633; Filed, July 28, 1953; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 10597]

TELEVISION BROADCAST STATIONS

LICENSE PERIODS

In the matter of amendment of § 3.630 of the Commission's rules relating to license periods of television broadcast stations; Docket No. 10597.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 3.630 of the Commission's rules presently provides that licenses for television broadcast stations will be issued for a normal license period of one year to expire in accordance with a schedule set forth therein.

a schedule set forth therein.
3. The one-year license period for television broadcast stations was appropriate during the early formative period

of the television broadcast service. the present time, however, almost 500 television stations have been authorized, with more than 200 in operation. We are of the view that the development of a nation-wide television system will be facilitated by the extension of television licenses for a three-year period, the license period presently provided for both standard and FM broadcast stations. Such an increase, moreover, will reduce substantially the workload for both television licensees and the Commission. It will, in addition, ease the burden on those television licensees who are also licensees of standard and FM broadcast stations since the licenses of all such stations in the same geographical area will expire at the same date. We believe, therefore, that an increase in the license period for television broadcast stations will serve the public interest and will be conducive to the orderly dispatch of the Commission's business.

4. In view of the foregoing, it is proposed to amend § 3.630 of the rules to provide for a license period of three years to expire in accordance with the schedule contained in the proposed rule

set out below.

5, It should be noted that since § 4.18 of the rules provides that "Licenses for stations in the Auxiliary Broadcast Service will be issued for a period running concurrently with the licenses of the broadcast station with which such auxiliary stations are used" the adoption of the proposed rule will also have the effect of extending to a three-year period the license period for television STL stations, television inter-city relay stations, and television pick-up stations.

6. Authority for adoption of the proposed amendment is contained in sections 4 (i) 303 (r) 307 (b) (d) and (e), and 308 (a) and (b) of the Communcations Act of 1934, as amended.

7. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before September 1, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last date for filing such original comments or briefs. The Commission will consider all such comments submitted prior to taking action on this matter; and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or argument will be

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 23, 1953. Released: July 24, 1953.

FIDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, Secretary,

Renewals of licenses will be granted for the period specified in the rule: Provided, however, That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 6 months or less, the licensee may within the period 60 days to 30 days before the expiration date of such renewed license file, in lieu of renewal application (FCC Form 342), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed; (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application, or if changes have been made or proposed, a statement specifying such changes; and (3) a statement that the applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise. review of such statements the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information, it may require the filing of renewal application (FCC Form 342).

^{*}The 60-day requirement does not apply to amateurs.

⁴ This requirement does not apply to noncommercial educational FM broadcast stations.

It is proposed to amend § 3.630 to read as follows:

§ 3.630 Normal license period. (a) All television broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter.

(1) For stations located in Delaware and Pennsylvania, August 1, 1954.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1954.

ginia, October 1, 1954.
(3) For stations located in North Carolina, South Carolina, December 1, 1954.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1955.

(5) For stations located in Alabama and Georgia, April 1, 1955.

(6) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1955.

(7) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1955.

(8) For stations located in Ohio and Michigan, October 1, 1955.

(9) For stations located in Illinois and Wisconsin, December 1, 1955.

(10) For stations located in Iowa and Missouri, February 1, 1956.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1956.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1956.

(13) For stations located in Texas, August 1, 1956.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1956.

(15) For stations located in California, December 1, 1953.

(16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1954.

ary 1, 1954. (17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1954. (18) For stations located in New Jersey and New York, June 1, 1954.

[F. R. Doc. 53-6634; Filed, July 28, 1953; 8:49 a. m.]

[47 CFR Part 10]

[Docket No. 10593]

PUBLIC SAFETY RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 10.462 (e) of Part 10, Public Safety Radio Services; Docket No. 10593.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to amend § 10.462 (e) of Part 10, Public Safety Radio Services, for the purpose of bringing into force the new International Frequency List of Region 2, agreed to by the Extraordinary Administrative Radio Conference (Geneva, 1951) to the extent that the frequency 3201 kilocycles becomes a substitute for the frequency 3190 kilocycles now listed in § 10.462 (e) of the rules. With this implementation of the International Frequency List it is also proposed to delete limitation note 9 from this section of the rules. The specific amendments proposed are as follows:

In § 10.462 (e) delete footnote 9 following the frequency 2726 kc; delete the

frequency 3190 kc and footnote 9 thereto appended, add the frequency 3201 kc.

3. The proposed amendment is issued under the authority of sections 4 (1), 303 (c) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before September 4, 1953, a written statement or brief setting forth his comments. Comments or briefs in reply to the original comments or briefs may be filed within ten days from the last day for filing the said original comments or briefs. The Commission will consider all such comments, briefs, and statements before taking final action.

5. In accordance with the provisions of § 1.784 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 22, 1953. Released: July 23, 1953.

Federal Communications Commission,

[SEAL] T. J. SLOWIE,

Secretary,

[F. R. Doc. 53-6632; Filed, July 28, 1953; 8:49 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

REORGANIZATION WITH RESPECT TO DUTIES
AND FUNCTIONS

With approval of Reorganization Plan No. 6 of 1953 by the Congress, the authorized positions of Assistant Secretaries of Defense and General Counsel are designated as follows:

1. Assistant Secretary (Comptroller)

2. Assistant Secretary (International Security Affairs)

3. Assistant Secretary (Manpower and Personnel)

4. Assistant Secretary (Supply and Logistics)

5. Assistant Secretary (Research and Development) 6. Assistant Secretary (Applications

Engineering)
7. Assistant Secretary (Properties and

7. Assistant Secretary (Properties and Installations)
8. Assistant Secretary (Health and

Medical)
9. Assistant Secretary (Legislative Affairs)

10. General Counsel

Pending the appointment of officials to the new positions authorized and the issuance of necessary organizational directives delineating areas of responsibility, the following officials, together with the personnel formerly assigned to the agencies abolished by Reorganization

Plan No. 6, shall perform for the Sccretary of Defense the duties and responsibilities as outlined below

1. The functions formerly performed by the Munitions Board and its Chairman shall be performed by the Special Assistant to the Secretary of Defense, Mr. Willard F. Rockwell.

2. The functions formerly performed by the Research and Development Board and its Chairman shall be performed by the Special Assistant to the Secretary of Defense, Mr. Walter G. Whitman.

3. The functions formerly performed by the Director of Installations shall be performed by the Special Assistant to the Secretary of Defense, Mr. Frank R. Creedon.

4. The functions formerly performed by the Director of the Defense Supply Management Agency shall be performed by the Special Assistant to the Secretary of Defense, Mr. Joseph W. Fowler.

All other officials of the Office of the Secretary of Defense shall continue to perform functions as outlined in current directives.

Concurrently with the issuance of directives describing the areas of responsibilities of the new Assistant Secretaries of Defense, such personnel determined to be necessary and qualified will be offered assignments with the appropriate Assistant Secretary of Defense, in conformance with applicable Civil Service laws and regulations.

¹Renewals of licenses will be granted for the period specified in the rule: Provided, however, That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 6 months or less, the licensee may within the period 60 days to 30 days before the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed; (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed, a statement specifying such changes; and (3) a statement that the applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the Upon same, whether by license or otherwise. review of such statements, the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information, it may require the filing of renewal applica-tion (FCC Form 303).

The records and facilities determined to be necessary are authorized to be transferred as appropriate.

All directives, memoranda, or parts thereof, to the extent they are inconsistent with the provisions of this directive, are modified accordingly or rescinded as appropriate. All other directives remain in full force and effect.

> ROGER M. KYES, Acting Secretary of Defense.

JUNE 30, 1953.

[F. R. Doc. 53-6618: Filed, July 28, 1953: 8:45 a. m.]

Assistant to the Secretary of Defense (ATOMIC ENERGY)

ESTABLISHMENT OF OFFICE

Pursuant to the authority vested in me by the National Security Act of 1947, as amended, as of April 13, 1953, a position of Assistant to the Secretary of Defense (Atomic Energy) is established. At the discretion of the Secretary of Defense, the Chairman of the Military Liaison Committee to the Atomic Energy Commission may also be appointed to serve as the Assistant to the Secretary (Atomic Energy) without additional compensation. The Assistant to the Secretary (Atomic Energy) shall be responsible for all atomic energy matters within and involving the Department of Defense, including the following specific functions:

- 1. Provides the Secretary of Defense and principal members of his staff advice and assistance on atomic energy aspects of Department of Defense policies, plans and programs.
- 2. Establishes and reviews atomic energy policies, plans and programs for the Department of Defense.
- 3. Represents or arranges for the representation of the Department of Defense with other governmental, non-governmental and international organizations on atomic energy matters of mutual interest or responsibility.

In the performance of these functions the Assistant to the Secretary (Atomic Energy) will by direct access, to the extent necessary and appropriate, utilize the advice, assistance and facilities of those organizations of the three military departments concerned with military application of atomic energy and the Armed Forces Special Weapons Project in lieu of providing for such assistance on his immediate staff, but this arrangement shall not be construed or so utilized as to circumvent the normal command channels through the Secretaries of the military departments for the formal communications of approved policies, plans or other directives.

The Military Laason Committee to the Atomic Energy Commission, established by the Atomic Energy Act of 1946, as amended, shall advise the Assistant to the Secretary of Defense on such atomic appropriate and necessary.

ROGER M. KYES, Acting Secretary of Defense.

APRIL 13, 1953.

[F. R. Doc. 53-6619; Filed, July 28, 1953; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order 15]

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DESTORS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Orders Nos. 9788 and 10254, January 4, 1954, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General in the United States or the Philippine Islands between January 1, 1952, and April 17, 1953, inclusive, and for whom no earlier bar date has been fixed. (40 Stat. 411, 55 Stat. 839, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 59 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 GFR, Cum. Supp.; E. O. 9783, Oct. 14, 1946, 11 F. R. 11981; E. O. 10254, June 15, 1951, 16 F. R. 5829)

Executed at Washington, D. C., this 23d day of July 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, Assistant Attorney General, Director Office of Alien Property.

[F. R. Doc. 53-6644; Filed, July 28, 1953; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

DELEGATION OF AUTHORITY TO ACT ON PETI-TIONS OR REQUESTS FOR WAIVER OF RULES IN CONFLICT WITH AN APPLICATION

In the matter of delegation of authority to the Chief, Safety and Special Radio Services Bureau, to act on petitions or requests for waiver of rules in conflict with an application.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of July 1953;

The Commission having under consideration the means of expediting the processing of applications;

It appearing, that under the rules of the Commission applications for privileges which conflict with the terms or requirements of rules will be accepted in the Commission when accompanied by a petition or request for waiver of or exception to the rules; and

It further appearing, that a number of such requests are received seeking

energy matters as the latter deems temporary authority to operate in the safety and special radio services for limited periods of time in a manner inconsistent with the Commission's rules and that expeditious handling of such requests can best be achieved by delegating the consideration and action upon such requests to the staff:

> It is ordered, Under the authority contained in section 5 (d) (1) of the Communications Act of 1934, as amended. that effective immediately authority is delegated to the Chief, Safety and Special Radio Services Bureau, to act upon petitions or requests seeking waiver of or exception to any rule, regulation or requirement relating to the services under his jurisdiction and to act upon petitions or requests relating to the assignment of frequencies allocated to these services in column 11 of the Table of Frequency Allocations (47 CFR 2.104) but requiring action under 47 CFR 2.103. when he finds that the operation for which permission is sought (1) is of a non-recurring nature and does not warrant a rule making proceeding with a view to establishing it on regular basis. (2) will not exceed 60 days, and (3) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation shall not apply to requests for renewals of any authority to operate granted hereunder: Provided, however, That none of the foregoing limitations shall apply to petitions or requests for waiver of or exception to any requirement set forth in §§ 12.27, 12.44, 12.81, 12.91 and 12.111, the latter section only to the extent that it applies to types of emission, of the Commission's rules governing Amateur Radio Service.

It is further ordered, That the Chief of the Safety and Special Radio Services Bureau shall report to the Commission every six months the number and nature of actions taken pursuant to the authority herein delegated.

Released: July 23, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,

Secretary.

[F. R. Doc. 53-6635; Filed; July 28, 1953; 8:50 a. m.1

CHIEF, BROADCAST BUREAU

ORDER AMENDING DELEGATION OF AUTHORITY WITH RESPECT TO OFFICIAL MINUTES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of July 1953;

On May 29, 1951, the Commission adopted an order (FCC 51-556) transferring to the Chief of the Broadcast Bureau, or in his absence the Acting Chief, the delegated authority set forth in sections 0.121, 0.122, 0.131, 0.132, 0.141, 0.142, 0.143, 0.144, 0.145 and 0.146 of the rules, insofar as such delegated authority relates to or is necessary to carry out the functions of the Broadcast Bureau;

The aforesaid order provided that actions taken by the Chief, or Acting Chief, of the Broadcast Bureau in accordance with the aforesaid delegations shall be recorded each week in writing and filed in the official minutes of the Commission; and

It now appears, however, that the recording of such action in the official minutes of the Commission is unnecessary. Any information desired in connection with actions taken by the Chief. or Acting Chief, of the Broadcast Bureau pursuant to the aforesaid delegated authority can be obtained directly from the authorization files or related history cards, which are maintained in a single location by the License Division of the Broadcast Bureau and contain complete data with respect to applications and authorizations issued pursuant to the aforesaid delegations. Such files and records are readily available and are presently being utilized by the Commission's staff and the public; and

It appears that by designating the aforesaid application and authorization files maintained by the License Division of the Broadcast Bureau as the official records of staff action pursuant to the aforesaid delegated authority, the preparation of special minutes relating to such action may be dispensed with; and that such a procedure would be conducive to the orderly dispatch of the Commission's business;

Accordingly, it is ordered, That, effective immediately, the applications and authorizations files and other appropriate files of the License Division of the Broadcast Bureau are designated as the official minute entries of actions taken by the Chief, or Acting Chief, of the Broadcast Bureau pursuant to the aforesaid delegated authority; and that this order shall apply as well to all such actions already taken for which minute entries have not yet been filed.

Released: July 23, 1953.

By direction of the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 53-6636; Filed, July 28, 1953; 8:50 a. m.]

[Docket No. 10097]

Oneida Broadcasting Co. (WOBT)

ORDER SCHEDULING HEARING

In re application of Oneida Broadcasting Company (WOBT) Rhinelander, Wisconsin, for construction permit; Docket No. 10097, File No. BP-8068.

At a session of the Federal Communcations Commission held at its offices in Washington, D. C., on the 22d day of July 1953:

The Commission having under consideration the above-entitled application which was designated for hearing on December 5, 1951, and redesignated March 4, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a.m., August 31, 1953, in Washington, D. C.

Released: July 24, 1953,

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,

Secretary.

[F. R. Doc. 53-6637; Filed, July 28, 1953; 8:50 a. m.]

[Docket No. 10149]

WILLIAM C. GROVE

ORDER SCHEDULING HEARING

In re application of William C. Grove, Wheatland, Wyoming, for reinstatement of construction permit; Docket No. 10149, File No. BP-8338.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of July 1953;

The Commission having under consideration the above-entitled application which was designated for hearing on February 27, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding:

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a.m., August 31, 1953, in Washington, D. C.

Released: July 24, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,

Secretary.

[F. R. Doc. 53-6638; Filed, July 28, 1953; 8:50 a. m.]

[Docket Nos. 10159, 10160]

VENANGO BROADCASTERS AND OLIVIA T.
RENNEKAMP

ORDER SCHEDULING HEARING

In re applications of Harris G. Breth, William J. Thomas and LeRoy W. Stauffer, d/b as Venango Broadcasters, Franklin, Pennsylvania, Docket No. 10159, File No. BP-8315; and Olivia T. Rennekamp, Corry, Pennsylvania, Docket No. 10160, File No. BP-8346; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of July 1953:

The Commission having under consideration the above-entitled applications which were designated for hearing in a consolidated proceeding on March 19, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at

10:00 a. m., August 31, 1953, in Washington, D. C.

Released: July 24, 1953.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 53-6639; Filed, July 28, 1953; 8:50 n. m.]

[Docket Nos. 10161, 10162]

JERRELL A. SHEPHERD AND TOWN & FARM Co., INC. (KMMJ)

ORDER SCHEDULING HEARING

In re applications of Jerrell A. Shepherd, Jefferson City, Missouri, Docket No. 10161, File No. BP-8151; Town & Farm Company, Inc. (KMMJ) Columbia, Missouri, Docket No. 10162, File No. BP-8392; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of

July 1953;

The Commission having under consideration the above-entitled applications which were designated for hearing in a consolidated proceeding on March 19, 1952; and

It appearing, that no date was previously scheduled by the Commission in

the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a.m., August 31, 1953, in Washington, D. C.

Released: July 24, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 53-6640; Filed, July 28, 1953; 8:51 a. m.]

[Docket Nos. 10223, 10224] JEFFERSON COUNTY RADIO & TELEVISION CO. (KJCF) AND CECIL W. ROBERTS

ORDER SCHEDULING HEARING

In re application of Amos Anthony Govero, Donald Meinard Donze and Clifton Matthews Poindexter, d/b as Jefferson County Radio & Television Co., (KJCF), Festus, Missouri, Docket No. 10223, File No. BP-8231, Cecil W. Roberts, Chester, Illinois, Docket No. 10224, File No. BP-8477; For construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of July 1953;

The Commission having under consideration the above-entitled applications which were designated for hearing in a consolidated proceeding on June 19, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at

ington, D. C.

Released: July 24, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

T. J. SLOWIE, [SEAL] Secretary,

[F. R. Doc. 53-6641; Filed, July 28, 1953; 8:51 a. m.]

[Docket Nos. 10577, 10578]

H. L. HUNT AND COASTAL BEND TELEVISION CO.

ORDER CONTINUING HEARING

In re applications of H. L. Hunt, Corpus Christi, Texas, Docket No. 10577, File No. BPCT-1032; Coastal Bend Television Company, Corpus Christi, Texas, Docket No. 10578, File No. BPCT-1066; for construction permits for new television stations.

The hearing in the above-entitled proceedings is now scheduled to commence on July 31, 1953, with a formal Hearing Conference. With the consent of all parties: It is ordered, This 21st day of July 1953, that the hearing date is continued to August 5, 1953. The session on that date will consist solely of a Hearing Conference at which no testimony will be taken. ۵

> FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 53-6642; Filed, July 28, 1953; FEDERAL POWER COMMISSION 8:51 a. m.]

[Docket No. 10596]

ROBERT NEATHERY (KALM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert Neathery (KALM) Alton, Missouri, for additional time to complete construction; Docket No. 10596, File No. BMP-6092.

At session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of July 1953;

The Commission having under consideration the above-entitled application for modification of construction permit for additional time to complete construction:

It appearing, that on April 4, 1951, the original application (File No. BP-7883) for this facility was granted subject to the selection of a satisfactory transmitter site and antenna system; and

It further appearing, that no signifi-cant construction has taken place since the grant of the modification of construction permit (File No. BMP-5695) on November 2, 1951, specifying a transmitter site and antenna system; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised on May 13, 1953 that he had

10:00 a. m., August 31, 1953, in Wash- not been diligent in proceeding with the authorized construction and that the Commission was unable to conclude that a grant of the above application was in the public interest; and

It further appearing, that the appli-cant filed a reply and that the Commission, after consideration of the reply, still is unable to conclude that a grant would be in the public interest;

It is ordered, That, pursuant of section 309 (b) of the Communications Act of 1934, as amended, said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the permittee has been diligent in proceeding with the construction authorized in the construction permit issued on April 4, 1951, to Robert Neathery (File No. BP-7883 as subsequently modified).

(2) To determine whether it would be in the public interest, convenience and necessity to grant the application of Robert Neathery for additional time to complete construction authorized in the construction permit issued on April 4, 1951, to Robert Neathery (File No. BP-7883 as subsequently modified).

Released: July 24, 1953.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, Secretary.

[F. R. Doc. 53-6643; Filed, July 28, 1953; 8:51 a. m.]

[Docket No. G-2208]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 23, 1953.

Take notice that on July 1, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal office in El Paso, Texas, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes the construction and operation of taps on its existing facilities, together with measuring and regulating facilities to serve the Navajo Tribe at 10 points in the Navajo Indian Reservation in northwest New Mexico and northeast Arizona.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of August 1953. The application is on file with the Commission for public inspection.

LEON M. FUQUAY, [SEAL] Secretary.

[F. R. Doc. 53-6621; Filed, July 28, 1953; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 23]

MISSOURI-KANSAS-TEXAS RAILWAY Co.

REPOUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Missouri-Kansas-Texas Railway Company, because of washout, is unable to transport traffic over its line between Altus and Victory, Oklahoma: It is ordered, That:

(a) Rerouting traffic: The Missouri-Kansas-Texas Railway Company, being unable to transport traffic routed over its line between Altus and Victory, Oklahoma, because of washout, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the

rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., July 23. 1953.

(g) Expiration date: This order shall expire at 11:59 p. m., August 8, 1953, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 23, 1953.

Interstate Commerce Commission, Charles W. Taylor, Agent.

[F. R. Doc. 53-6624; Filed, July 28, 1953; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TFile No. 70-3097]

WEST TEXAS UTILITIES CO. AND CENTRAL AND SOUTH WEST CORP.

ORDER REGARDING RECLASSIFICATION OF COM-MON STOCK AND SALE OF ADDITIONAL SHARES TO PARENT

JULY 22, 1953.

Central and South West Corporation ("Central") a registered holding company and its public utility subsidiary, West Texas Utilities Company ("West Texas"), having filed an application-declaration and having designated sections 6 (a) 7, 9 (a) 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder, as being applicable to the proposed transactions, which are summarized below:

West Texas proposes, by amendment to its charter, to change the number of authorized shares of its common stock from 374,500 shares without nominal or par value into 1,400,000 shares of the par value of \$10 each, and to change the 260,000 outstanding shares without nominal or par value of its common stock (having an aggregate stated value of \$13,000,000) into 1,300,000 shares of the par value of \$10 each. Upon the adoption of the proposed charter amendment, West Texas will issue and deliver to Central, as its sole common stockholder, certificates representing 1,300,000 shares of its common stock of the par value of \$10 each in exchange for and upon surrender for cancellation of its certificates representing the 260,000 outstanding shares of its common stock without nominal or par value.

Also West Texas proposes to issue and sell to Central, and Central proposes to purchase, at a price of \$10 per share, 100,000 shares of its common stock of the par value of \$10 each. The proceeds of the sale of such additional common shares will be used by West Texas in connection with its construction program and other corporate requirements.

It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that the expenses of West Texas in connection with the issue and sale of shares of the common stock will aggregate approximately \$1,150 and that the expenses of Central will be nominal.

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of

or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and observing no basis for adverse findings, or the imposition of terms and conditions other than those contained in Rule U-24, and deeming it in the public interest and in the interest of investor and consumers that application be granted and permitted to become effective forthwith.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-6586; Filed, July 27, 1953; 8:46 a. m.]

[File No. 70-3102]

AMERICAN & FOREIGN POWER CO., INC.

ORDER PERMITTING EXTENSION OF LOAN AGREEMENT TO BECOME EFFECTIVE

JULY 22, 1953.

American & Foreign Power Company, Inc. ("the Company") a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, having filed with the Commission a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("the act") with respect to the following proposed transaction:

On July 28, 1952 the Commission issued an order (Holding Company, Act Release No. 11407) authorizing the Company, pursuant to the terms of a Consolidated Loan Agreement with three certain banks, to refund the \$12,500,000 principal amount of its bank loans then outstanding, and to borrow an additional amount of \$5,000,000 prior to July 1, 1953. Pursuant to a supplemental agreement with said banks dated June 29, 1953, it is now proposed that the Company's right to borrow the additional \$5,000,000 shall be extended until July 1, 1954. The agreement provides that the interest rate shall be 34 of 1 percent per annum above the prime rate of Bankers Trust Company for 90-day commercial loans, but not less than 4 percent nor more than 41/4 percent per annum, with a continuation of the commitment fee of 1/2 of 1 percent per annum while the commitment is in effect.

The Company represents that the continuation of the additional credit is advisable as an alternative source of funds to aid its subsidiary utility companies in financing new construction and property additions.

Due notice of said filing having been given, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act are satisfied and that no adverse findings

are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

ESEAT.

ORVAL L. DuBois, Secretary,

[F R. Doc. 53-6585; Filed, July 27, 1953;

VETERANS' ADMINISTRATION

CENTRAL OFFICE

STATEMENT OF ORGANIZATION

The Veterans' Administration Statement of Organization (15 F R. 7851, 16 F. R. 2450, 16 F. R. 5029, 17 F. R. 4590, 17 F. R. 10153, and 18 F. R. 2564) is further amended as follows:

In section 2, paragraphs (c) (3) and (f) (2) (iii) are amended to read as follows:

SEC. 2. Central Office. * * *

(c) Office of the chairman, board of veterans' appeals. * * *

(3) Organization. The office of the chairman, board of veterans appeals, consists of the vice chairman, associate members (divided into sections), and the consultant service.

(f) Office of the assistant administrative services. * * *

(2) Major functions. * * *

(iii) Formulates policies, standards, and procedures for (a) Receipt, disposition and dispatch of mailable matter, (b) provision of messenger or courier service. (c) indexing and identification of applications for benefits and related material, (d) initial development of benefit claims including acquisition and consolidation of service or other evidentiary data from defense establishments or other sources, (e) custody, maintenance, and movement of veterans' records other than insurance records, and centralized general administrative files, (f) segregation and physical disposition of records, (g) procurement of common carrier or other transportation for persons, (h) installation and use of machine records and accounting equipment, (i) procurement and utilization of electrical communicating equipment, and (i) provision of information reception service; maintains liaison with other agencies on records operations and procedures, including the procurement and transfer of records to and from those agencies.

[SEAL]

H. V. STIRLING, Deputy Administrator.

[F. R. Doc. 53-6645; Filed, July 28, 1953; 8:51 a. m.]